CITY OF PUNTA GORDA, FLORIDA REGULAR CITY COUNCIL MEETING MINUTES WEDNESDAY, MARCH 18, 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

ARCHway Institute for Addictive Diseases and Co- Existing Mental Health Disorder <u>Day</u>

Mayor Prafke announced the events for ARCHway and St. Vincent de Paul had been cancelled as a precautionary measure for COVID-19; therefore, the proclamation agenda items had been withdrawn.

The Society of St. Vincent de Paul Day

See above.

15 Year Service Award - Macalle Finkle, Paralegal & Assistant to the City Manager

City Manager Kunik presented the award to Ms. Macalle Finkle and spoke regarding her service to the City.

Florida Department of Health COVID- 19 Update

Mr. Joseph Pepe, Florida Department of Health (FDOH), Administrator, presented an update on COVID-19, reporting on the number of cases, actions being taken and specific information about the symptoms of the virus, the methods of transmission and instructions on how to respond if infected as well as how to prevent infection. He briefly reviewed the Centers for Disease Control (CDC) travel advisories, recommending the FDOH and CDC's websites be monitored for updates. He requested concerned individuals contact their physicians.

Councilmember Matthews inquired as to what was being done to help those who had contracted the disease.

Mr. Pepe replied most were recovering at home, adding some needed additional care from their doctor. He noted protocols were in place for transporting individuals requiring hospitalization. He confirmed antibiotics were not effective against COVID-

19 as it was a virus, noting most deaths were individuals with underlying medical conditions.

Councilmember Carey confirmed pets could not transmit COVID-19.

Councilmember Cummings mentioned preventive measures taken during H1N1 included practicing good hygiene, wearing masks to prevent transmission, encouraging people who were ill to stay home, utilizing thermal cameras to read temperatures at ports of entry and arranging plans with hotels for staging areas.

Mr. Pepe stated the County was looking into utilizing vacant spaces for mass care and mass testing if necessary, explaining the FDOH did not wish to negatively impact businesses. He indicated some evidence suggested healthy individuals wearing masks touched their face more often and were therefore more likely to become ill.

Mayor Prafke inquired if FDOH had disseminated information on the cause of higher COVID-19 activity in certain areas, noting residents had expressed concern the City had not taken further action.

Mr. Pepe replied the goal was to act prudently while avoiding inciting panic. He then stated the potential for exposure was higher in areas with higher density populations, adding cities which had international airports and ports for cruises had increased risk. He noted the Punta Gorda Airport was domestic and screening was being performed.

NOTE: Introduction of Board/Committee Member Nominees was heard following reading of the Emergency Ordinance.

Introduction of Board/Committee Member Nominees
None.

PUBLIC HEARINGS QUASI- JUDICIAL PUBLIC HEARINGS

City Clerk Smith swore in the participants.

AX- 03- 19 An Ordinance of the City Council of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, 19.51+/- acres being a portion of Section 33, Township 41 South, Range 23 East, more particularly described in the boundary survey attached hereto, and addressed as 11220 Burnt Store Road, in accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; redefining the boundary lines of said City in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; providing for conflict and severability; and providing an effective date.

City Attorney Levin read the ordinance by title.

Ms. Lisa Hannon, Zoning Official, entered the staff report, as delineated in the agenda material, into the record by reference, reviewing staff's findings and conclusions. She noted the property currently had a single-family residence, adding the property owner had no development plans for the property. She advised the applicant would be required to address water and wastewater issues pursuant to "Exhibit B" of the proposed ordinance. She concluded staff and the Planning Commission recommended approval of the request, stating staff recommended approval be contingent upon City Council's approval of an agreement providing water and wastewater services.

Councilmember Matthews inquired as to the property's water and wastewater access. Ms. Hannon clarified this property received water service, explaining the developer and the City needed to resolve any water and wastewater capacity issues at the developer or property owner's expense.

Mr. John DeMilly, applicant, commented positively on the City's staff.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

Mayor Prafke confirmed the timing of the public hearings for CP-04-19 and Z-05-19 were dependent on the emergency situation.

CP- 04- 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 include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Low Density Residential/County (LDR/County) to High Density Residential/City (HDR/City) for 19.51+/- acres being a portion of Section 33, Township 41 South, Range 23 East, more particularly described in the boundary survey attached hereto, and addressed as 11220 Burnt Store Road; providing for conflict and severability; and providing an effective date.

PUBLIC HEARING TO BE RESCHEDULED

No discussion.

Z- 05- 19 An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 19.51+/- acres being a portion of Section 33, Township 41 South, Range 23 east, more particularly described in the boundary survey attached hereto, and

addressed as 11220 Burnt Store Road, from its current Charlotte County Zoning Classification of Residential Estate 1 Unit Per Acre/County (RE1/County) to Neighborhood Residential 15 Units Per Acre/City (NR-15/City); providing for conflict and severability; and providing an effective date.

PUBLIC HEARING TO BE RESCHEDULED

No discussion.

AX- 02- 19 An Ordinance of the City Council of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, 16.33 +/- acres being a portion of Section 33, Township 41 South, Range 23 East, more particularly described in the boundary survey attached hereto, and addressed as 26150 Angelica Drive, 26041 Cuneo Road, 26021 Cuneo Road, in accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; redefining the boundary lines of said City in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic research; providing for conflict and severability; and providing an effective date.

City Attorney Levin read the ordinance by title.

Ms. Hannon entered the staff report, as delineated in the agenda material, into the record by reference, reviewing staff's findings and conclusions. She stated the properties were vacant and an associated Planned Development request would allow creation of an assisted living facility in the first phase of the property's development, with the potential for creation of a 100-unit independent living facility in a future phase. She explained the annexation would not create an enclave following approval of the annexation of 11220 Burnt Store Road, adding the request was consistent with the City's Comprehensive Plan. She advised the applicant would be required to address water and wastewater issues pursuant to "Exhibit B" of the proposed ordinance, explaining the developer or property owner would be responsible for the cost of any offsite and onsite improvements related to wastewater capacity issues. She concluded staff and the Planning Commission recommended approval of the request, stating staff recommended approval be contingent upon on City Council's approval of an agreement providing water and wastewater services.

Councilmember Matthews inquired whether the motion could include a stipulation water and wastewater improvements would be done at the developer's expense.

Ms. Hannon replied this ordinance only concerned bringing the property into the City, explaining the requests for Comprehensive Plan amendment and a Planned Development would address the water and wastewater improvements.

Mr. Gary Bain, Southwest Engineering, applicant's representative, concurred with the staff report, noting he was researching whether Lift Station 63 had sufficient capacity. He concluded Johnson Engineering was drafting a new utility report.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of AX-02-19 as recommended by staff, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin noted the staff report requested City Council's direction regarding utility issues and included a recommendation the developer be responsible for any onsite and offsite utility improvements required to serve the properties.

Councilmember Matthews **MOVED** to require all utility improvements to be at owner's expense, **SECONDED** by Councilmember Cummings.

Mr. Bain voiced concern regarding bearing the cost of a lift station which would serve the community, of which the applicant was just one percent.

City Attorney Levin replied the developer would be responsible for any utility improvements required to serve the properties, adding staff would review plans for implementing improvements beyond the annexation and determine what would be required for this project.

MOTION UNANIMOUSLY CARRIED.

CP- 02- 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 include newly annexed lands; amending the future land use map to reflect the change in the current designations of Low Density Residential/County (LDR/County) to Medium Density Residential/City (MDR/City) for 16.33 +/- acres, consisting of parcels of land addressed as 26150 Angelica Road, 26041 Cuneo Road, 26021 Cuneo Road, and being more particularly described in the boundary survey attached hereto and incorporated herein as Exhibit "A"; providing for conflict and severability; and providing an effective date.

City Attorney Levin read the ordinance by title.

Ms. Hannon entered the staff report, as delineated in the agenda material, into the record by reference, reviewing staff's findings and conclusions. She stated the properties were vacant but there were plans for development, noting the request would classify the property as Medium Density Residential and allow a maximum of 10 units per acre. She stated the property was outside of the City's Utility Service area and did not receive water or wastewater service, explaining an agreement to provide such service was dependent on Council's consideration. She advised the applicant would be required to address water and wastewater issues pursuant to "Exhibit B" of the proposed ordinance, adding the developer or property owner would be responsible for related costs for any offsite or onsite improvements. She concluded the Planning Commission recommended approval of the request, noting staff recommended approval be contingent upon City Council's approval of an agreement providing water and wastewater services. She requested Council's approval to transmit the Comprehensive Plan amendment to the Florida Department of Economic Opportunity. Mr. Bain, applicant's engineer, stated the density transfers would allow construction of

Mr. Bain, applicant's engineer, stated the density transfers would allow construction of more units for the proposed independent living facility.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of CP-02-19 with the stipulation utility improvements would be paid for by the developer and to transmit the Comprehensive Plan amendment to the Department of Economic Opportunity, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

PD- 03- 19 An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 16.33 +/- acres being a portion of Section 33, Township 41 South, Range 23 East, more particularly described in the boundary survey attached hereto, and addressed as 26150 Angelica Drive, 26041 Cuneo Road, 26021 Cuneo Road; from its current Charlotte County zoning classification of residential single-family 5 units per acre/County (RSF5/County) to Planned Development Neighborhood/City (PDN/City); providing for conflict and severability; and providing an effective date.

City Attorney Levin read the ordinance by title.

Ms. Hannon entered the staff report, as delineated in the agenda material, into the record by reference, reviewing staff's findings and conclusions and explaining in detail

the request's conformance with the City's Comprehensive Plan. She stated the properties were vacant, noting the request would classify the property as Medium Density Residential and allow a maximum of 10 units per acre. She stated the property was outside of the City's Utility Service area and did not receive water or wastewater service, explaining an agreement to provide such service was dependent on Council's consideration. She advised the applicant would be required to address water and wastewater issues pursuant to "Exhibit B" of the proposed ordinance, providing a detailed explanation of the process to do so and existing utilities infrastructure in the area. She concluded the Planning Commission recommended approval of the request, noting staff recommended approval be contingent upon City Council's approval of an agreement providing water and wastewater services.

Councilmembers Matthews, Carey and Cummings and Mayor Prafke disclosed they had met with the applicant.

Mr. Bain, Southwest Engineering, applicant's representative, announced the Southwest Florida Water Management District permit had been received.

Mayor Prafke called three times for public comment.

Councilmember Carey **MOVED** to close the public hearing, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of PD-03-19 with the stipulation that any utility improvements be paid for by the property owner, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Mr. Bain concluded by displaying a site plan of the assisted living facility and two elevation renderings, providing a brief explanation of same.

NOTE: A Short break was called at 10:42 a.m.

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments - Ordinance/Resolution Items Only

There were none.

NOTE: The Emergency Ordinance was heard following the FDOH COVID-19 Update.

An Emergency Ordinance of the City Council of the City of Punta Gorda, Florida, declaring a state of local emergency and providing for emergency governmental operations related to Novel Coronavirus Disease ("COVID-19"); providing for termination of emergency powers, and providing an effective date.

City Attorney Levin read the ordinance by title.

Mayor Prafke confirmed there was no public comment. She noted the proposed ordinance would sunset upon expiration of State Executive Order 20-52.

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

MOTION UNANIMOUSLY CARRIED.

City Manager Kunik explained a project code would be established to track emergency preparedness expenses, adding the procurement policy was the same used for hurricane emergencies. He stated board and committee meetings would be cancelled until further notice.

Ms. Melissa Reichert, Communications Manager, stated Frequently Asked Questions, multiple resource links and myth busters had been posted on the City's website.

Mr. Ray Briggs, Fire Chief, stated the City was taking a proactive strategy, adding faith based groups were contacted to discuss best practices. He explained taking care of first responders was a priority, noting staff was sanitizing the Fire Stations three times each day. He indicated public education was also a priority.

Police Chief Pam Davis stated the Police Department was part of the Emergency Operations call each morning and a member of the Charlotte County Pandemic Committee, adding a system was in place which allowed dispatch to alert the Fire and Police Departments when additional precautions were necessary. She noted cars and workspaces were being sanitized, explaining residents were encouraged to step outside to speak to officers for non-emergency calls. She then noted the Police Department was working the Division of Alcoholic Beverages and Tobacco for clarification of the Governor's mandate, adding staff met with bar and restaurant owners regarding needed measures and most had voluntarily complied.

City Manager Kunik announced the City would not pursue utility shutoffs or penalties at this time, adding the Building Department was encouraging contractors to engage with the City online as much as possible.

Mayor Prafke inquired as to cancelling the April 1, 2020, meeting.

City Attorney Levin advised there was no provision for suspension of the Sunshine Law during states of emergency.

Discussion ensued with consensus to hold the April 1, 2020, meeting.

Councilmember Matthews suggested the Florida International Air Show item be rescheduled to the April 15, 2020, agenda.

Consensus of Council was to schedule the item for the April 15, 2020, agenda.

Councilmember Cummings noted the Small Business Emergency Bridge loan program was available to those in need.

NOTE: The Consent Agenda was heard following the Quasi-judicial Hearing for PD- 03- 19.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

- A. City Clerk's Department
- 1. Approval of Minutes: Regular Meeting of March 4, 2020
- B. Legal Department
- 1. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through March 12, 2020.
- C. Finance Department
- 1. Award of Agreement to Farr Law Firm of Punta Gorda, Florida, for at will Forfeiture Legal Counsel.
- D. 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, approving a grant donation with 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.
- 2. A Resolution of the City Council of the City of Punta Gorda, Florida, as local host agency for the Coastal & Heartland National Estuary Program, approving Amendment No. 1 to Agreement No. DH011 with the Florida Department of Environmental Protection for implementing the Lower Charlotte Harbor Flatwoods Hydrologic Restoration Initiative, Yucca Pens Unity (P&D) Project included in the fiscal year 2020 CHNEP workplan and budget; authorizing the City Manager to sign the change order and administer the contingency funding on behalf of the City; and providing an effective date.
- E. Public Works Department
- 1. A Resolution of the City of Punta Gorda, Florida, approving Maintenance Agreement No. BE916 (FM NO. 432729-1-78-10) with the Florida Department of Transportation for City maintenance of FDOT highways within the city limits; authorizing the Mayor to execute the agreement on behalf of the City; and providing an effective date.

Citizen Comments - Regular Agenda Items Only

None.

BUDGET

NOTE: Award of Agreement to Pavement Maintenance, LLC was heard following Continued Discussion of Signs in the Right- of- Way.

Award of Agreement to Pavement Maintenance, LLC of Fort Myers, Florida, for construction of Harborwalk West Phase II (Harborwalk only)

Ms. Julie Rogan-Sutter, Procurement, provided an overview of the bid process for the project, noting a total project cost of \$1,333,662. She stated staff recommended award of the Agreement to Pavement Maintenance, LLC of Florida as the lowest responsive and responsible bidder.

Councilmember Cummings **MOVED** approval of awarding the Agreement to Pavement Maintenance, LLC, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Award of Master Agreement and Specific Authorization #1 for professional services to develop the Charlotte Harbor Flatwoods Strategic Hydrological Restoration Planning Tool and Report to Water Science Associates of Fort Myers, FL.

Ms. Anne Heinen, Procurement Manager, provided an overview of the bid process for the project, noting a total project cost of \$568,255. She stated staff recommended award of the Master Agreement and Specific Authorization #1 services to Water Science Associates of Fort Myers, Florida, explaining the Master Agreement was for a three-year period and the hourly rate schedule would be fixed for a one-year period for future specific authorizations.

Councilmember Cummings **MOVED** approval of awarding the Agreement to Water Science Associates of Fort Myers, Florida as recommended by staff, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Appropriation of Funds to Purchase Carbon Black TDR End Point Protection Software

Mr. Brad Schuette, Information Technology Manager, explained purchase of the endpoint protection software was necessary to protect the City's computer system against state-of-the-art intrusion techniques. He explained the total cost was \$19,980; however, an appropriation of only \$16,230 was necessary to supplement existing funds.

Discussion ensued regarding funding unanticipated Information Technology expenses.

Mayor Prafke inquired as to any planning for the archiving software.

Mr. Schuette explained despite assurances by the vendor, the City's current software was not capable of removing duplicate files or identifying files which had not been accessed in two years. He noted the ongoing cost for the proposed archiving software was approximately \$4,000 lower than the current software.

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

MOTION UNANIMOUSLY CARRIED.

Appropriation of Funds for Purchase of Metalogix Archiving Software

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

MOTION UNANIMOUSLY CARRIED.

Preliminary Discussion of 1% Local Option Sales Tax Extension Projects

Ms. Reichert provided a presentation detailing the proposed sales tax projects, their proposed budgets and recommendations from the 1% Sales Tax Committee (Committee), as delineated in the agenda material.

A lengthy discussion ensued regarding the details and prioritization of the projects, with Ms. Reichert noting City Council would review this issue again with the suggested revisions at the April 1, 2020 meeting.

UNFINISHED BUSINESS

NOTE: Continued Discussion of Signs in the Right of Way was heard following the Consent Agenda.

Continued Discussion of Signs in the Right of Way

Mr. Bill Dryburgh stated realtors awaited the draft ordinance so that same could be discussed with the City Attorney. He spoke in favor of using the street as an origination point when determining where signs could be placed.

Councilmember Carey voiced concern regarding the definition of right-of-way (ROW), noting homeowners' perception was the entirety of the yard belonged to them. She suggested instituting a moratorium on removing all signs until a consistent vocabulary could be developed, adding the placement of signs should not be at the forefront of property owners' worries at this time.

Councilmember Matthews objected to removing signs on private property until the new ordinance was adopted.

City Attorney Levin noted a draft ordinance was in progress, stating there was a provision to address signs in the ROW; however, regulations concerning signs on private property were relaxed. He expressed hope realtors would find the draft

ordinance to be an improvement over the current ordinance, opining the ROW as presented on the County Property Appraiser's website was suitable for regulatory purposes as same was readily available to staff and members of the public.

Discussion ensued regarding the ROW and alternative methods to establish where signs could be placed as well as establishment of a moratorium on removing signs from residential properties.

Mayor Prafke opined the City had been very generous in working with local realtors, stating she was not in favor of relaxing Punta Gorda Code.

Councilmember Miller concurred with Mayor Prafke.

City Manager Kunik indicated the draft ordinance would be presented for Council's review prior to submitting same to the Planning Commission, anticipating the draft ordinance could be included on the April 15, 2020 agenda.

City Attorney Levin advised a moratorium on enforcement of sign regulations could be limited to residentially zoned properties.

Councilmember Carey inquired as to the disadvantages of allowing signs in the ROW.

City Manager Kunik responded the current regulations were implemented to address citizen complaints about sign clutter, particularly in the special residential overlay district. He stated signs could be allowed but doing so was not what residents had desired historically.

Councilmember Matthews reiterated her objection to removing signs from private property and her desire to allow signs on residential properties until the draft ordinance was reviewed.

Councilmember Cummings concurred.

Councilmember Matthews **MOVED** to not enforce sign regulations for signs on residential lots in the ROW or otherwise until such time as the sign ordinance was amended, **SECONDED** by Councilmember Miller.

VOTING AYE: Carey, Cummings, Matthews.

VOTING NAY: Miller, Prafke.

MOTION CARRIED.

RECOMMENDATION FROM CITY OFFICERS CITY MANAGER

CITY ATTORNEY

None.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals - Alternate

Utility Advisory Board

Building Board

City Clerk Smith announced the vacancies.

Nominations

Burnt Store Isles Canal Advisory Committee

Councilmember Matthews **NOMINATED** all interested parties.

POLICY AND LEGISLATION

PRAFKE: Stated she was drafting an op-ed piece regarding COVID-19 for the newspaper.

<u>CUMMINGS</u>: Recommended individuals refer to the City's website for updates regarding COVID-19.

<u>MATTHEWS</u>: Stated she had toured the City with a representative from the Florida Department of Transportation.

- Announced the Military Heritage Museum had cancelled its events and the museum was closed until the end of the month; the Buckley's Pass Ribbon Cutting had been postponed and the Airport Authority would hold an emergency meeting over the phone at 1:30 p.m. this date.

<u>CAREY</u>: Congratulated Councilmember Matthews on the success of the formalwear drive for Charlotte High School.

CITIZENS COMMENTS

None.

The meeting was adjourned at 1:02 p.m.

	Mayor	
City Clerk	-	