

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JULY 1, 2020, 9:00 A.M.**

COUNCILMEMBERS PRESENT: Carey, Cummings, Matthews, Miller, Prafke

CITY EMPLOYEES PRESENT: Kristin Simeone, Finance; Rick Keeney, Public Works; Chuck Pavlos, 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.

City Manager Kunik read citizens' comments into the record.

Installation of Traffic Signal at Home Depot Entrance/Exit onto Burnt Store Road: Ms. Patty Silver expressed disapproval of spending \$1.1 million on the project, speaking in favor of instead installing a flashing red left-turn signal from Northbound Tamiami Trail onto Aqui Esta Drive; Mr. John Forr spoke in favor of the project; Mr. Gene Pawlowski commented on how costs could be shared.

NOTE: A short break was called at 9:15 due to technical difficulties.

Ponce de Leon Inlet Dredging Project: Mr. Fred Cort requested the project be put back into the budget.

PicklePlex Membership Fee: Ms. Anastasia Settle objected to the fee; Mr. John Forr voiced support for the fee, Ms. Holly Kirchofer and Mr. Richard Kirchofer requested the pickleball courts in Gilchrist remain open; Ms. Gloria Riley, PicklePlex Board, explained the rationale for the fee included debt repayment well as ongoing operating and maintenance expenses; Mr. Jonathan Ralph voiced support for pickleball at Pickleplex and Gilchrist Park; Ms. Nancy Morton voiced support for funding Pickleplex; Ms. Cathy Hunt stated the Gilchrist Park courts were in a state of disrepair, opining same would be needed when Pickleplex started charging a fee; Ms. Sandra Sullivan voiced support for the fee as well as funding from the City, ; Ms. Amy Decker voiced support for the fee; Mr. D. J. Hartwig objected to the fee, opining same would put additional pressure on the Gilchrist Park courts; Ms. Judy Palmer expressed support for the fee ; Ms. Sandy Brandt commented on the fee and spoke against allowing pickleball in Gilchrist Park, noting there were other venues available in Charlotte County (County); Mr. Brandon Skavroneck requested Pickleplex be allowed to decide whether to charge a fee.

COVID-19 Update – Wearing of Masks: Ms. Pam Nelson and Mr. Dan Nelson, Mr. Stan Kapuchinski, Ms. Doris Blair, Ms. Libby Schaefer, Mr. John Welsh, Ms. Celeste Winn and Mr. Don Forlenzo spoke in favor of mandatory wearing of masks.

PROCLAMATION/PRESENTATIONS

None.

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-10-2020 - An Ordinance of the City of Punta Gorda amending the City of Punta Gorda Police Officers' Retirement System, restated pursuant to Ordinance 1644-10, amending Section 30, Supplemental Benefit Component for Special Benefits; Chapter 185 Share Accounts; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Mr. Scott Christiansen explained the proposed amendment created a “share plan”, or defined contribution plan component, as required by State law, noting the Plan Actuary had provided a letter of no impact on the assumptions used in determining funding requirements. He further explained the proposed ordinance established the method by which funds from the “share plan” would be allocated to members, noting same was based on years of credited service.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Cummings **MOVED** approval of GA-10-2020, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

A. City Clerk's Department

1. Approval of Minutes: Regular Meeting of June 17, 2020

- B. Legal Department
 - 1. Monthly Litigation Report
- C. Police Department
 - 1. A Resolution of the City of Punta Gorda, Florida, approving the Operational and Voluntary Cooperation Mutual Aid Agreement between the City of Punta Gorda Police Department and the Lee County Sheriff's Office; authorizing the Chief of Police to execute the agreement on behalf of the City; and providing an effective date.
 - 2. A Resolution of the City of Punta Gorda, Florida, accepting a grant award from the Florida Department of Law Enforcement under the Fiscal Year 2020 Coronavirus Emergency Supplemental Funding (CESF) Program Local Jurisdiction Solicitation (Award No. 2020-CESF-CHAR-1-C9-010); authorizing the Mayor to execute the grant agreement on behalf of the City; and providing an effective date.

BUDGET

Award of Master Agreement to Johnson Engineering, Inc. of Fort Myers, FL, for professional engineer services for the Taylor Road Water Main.

Ms. Anne Heinen, Procurement Manager, explained the solicitation process for engineering services to plan, permit and design the project as well as construction services necessary to construct a 12" PVC water main in the Taylor Road right-of-way from Alligator Creek to Airport Road. She concluded staff recommended award of the Master Agreement to Johnson Engineering, Inc. of Fort Myers, Florida as the most qualified, responsive and responsible bidder.

Councilmember Matthews **MOVED** approval of award of the Master Agreement to Johnson Engineering, Inc. for the Taylor Road Water Main, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Award of Specific Authorization #1 to Johnson Engineering, Inc. of Fort Myers, FL, for professional engineering services to design and permit the Taylor Road Water Main.

Ms. Heinen explained Specific Authorization #1 included planning, design, permitting and bidding services for the Taylor Road water main, with a cost of \$243,104 for this phase, noting completion was estimated to be within 420 days from issuance of a notice to proceed.

Councilmember Matthews **MOVED** approval of award of the Specific Authorization #1 to Johnson Engineering, Inc. of Fort Myers, FL, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Capital Improvement Program (CIP) Update and Additional Sales Tax Project for Consideration.

Ms. Kristin Simeone, Finance Director, presented the updated 1% Sales Tax Fund Proposed Extension Request for Fiscal Year (FY) 2020/2021 through FY 2026/2027, as delineated in the agenda material, confirming the proposed list was more in line with Council's desires. She stated a new project request was for a traffic signal at the intersection of Burnt Store Road and the Home Depot entrance/exit at an estimated cost of \$1.1 million, noting a warrant study concluded that the proposed signal met 3 out of 4 applicable conditions.

City Manager Kunik stated Charlotte County would need be informed of the final list this date, pointing out if the traffic signal was included in the sales tax program, funding for another project would need to be decreased. He stated one option was to include the project in the program's unfunded project list.

Councilmember Carey stated a citizens group deliberated for hours to develop the list, opining removal of a project at this late date was inappropriate.

Councilmember Cummings spoke in favor of including the project in the unfunded list and prioritizing identification of grant funding.

Councilmember Matthews advocated for the project to be included in the sales tax program, suggesting the Sidewalk Connections West Marion: Bal Harbor to Shreve Project (Sidewalk Project) should be moved to the unfunded list as the Local Sales Tax Committee had originally suggested. She opined the traffic signal was a public safety issue for Burnt Store Isles residents.

A lengthy discussion ensued regarding whether to include the traffic signal project in the sales tax program and its placement within the list of projects.

City Manager Kunik summarized Council desired to move the Sidewalk Project to the list of unfunded projects not included in the sales tax program and to include the traffic signal project in the list of projects for Tier 2 with \$345,000 and the rest of the project unfunded.

Councilmember Matthews **MOVED** approval of moving the Sidewalk Connections West Marion: Bal Harbor to Shreve Project to the unfunded project list and replacing it with the project to install a traffic signal at the intersection of Burnt Store Road and Home Depot in the Unfunded Tier 2 list, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Fiscal Year 2021 General Fund Budget Update.

Ms. Simeone stated the FY 2020/2021 General Fund Proposed Budget Status presentation, as delineated in the agenda material, had been updated to reflect continued revenue and expenditure projections, and certain slides had been updated to reflect July 1, 2020, values. She stated changes included further conservative reductions to several revenue sources and a slight increase to administrative charges, noting the net effect on reserves was (\$394,355). She reported health insurance rates were now estimated to increase only 1.5% with a net effect on reserves of \$101,090, noting the loan draw and transfer to Punta Gorda Isles (PGI) Canal Maintenance for the rip rap mitigation project had no effect on net reserves. She reviewed the July 1, 2020, estimated taxable values from the County Property Appraiser, explaining the net effect of the ad valorem decrease at the estimated rollback rate and the CRA Tax Increment Financing transfer had a net effect on reserves of (\$13,855). She then reviewed a comparison of taxable values, noting FY 2020/2021's 4.6% increase over FY 2019/2020 was lower than previous years' increases. She drew members' attention to the General Fund Review FY 2021 Proforma, providing a brief overview of same, reporting the net effect of all the changes on the General Fund was (\$307,120) for FY 2020/2021 and (\$305,530) for FY 2021/2022. She reviewed the General Fund Operating Reserves, stating FY 2020/2021 estimated ending reserves available for allocation were \$2,317,625, noting \$2,020,505 would remain available if the shortfall caused by decreased revenue projections were funded with reserves. She then drew members' attention to a comparison of revenue generated by the current millage rate (3.4337) and the rollback rate (3.3469) and expenditures, noting the City's main programs, at a cost of \$17,171,375, could not be covered using either millage rate. She presented three millage rates for discussion: roll back rate of 3.3469, which would produce \$11,177,665; current rate of 3.4337, which would produce \$11,467,550; estimated rate to cover gap of 3.4389, which would produce \$11,484,915. She explained options available to fund the gap were to maintain the millage at the current rate or higher, use reserves, reduce the drainage program for one year, reduce the paving program for one year or reduce City services. She explained the proposed budget was drafted using the estimated roll back millage rate, lowered revenue projections, generally flat operating expenditures and an overall increase in personnel of approximately 2%. She reported staff recommended the City retain at least the current millage rate of 3.4337, noting 0.1 mills was estimated to generate \$333,970 based on the most recent estimated taxable values. She concluded by presenting a

table demonstrating the impact of the three millage rates discussed on a \$150,000 property and a \$300,000 property.

City Manager Kunik clarified Council would be asked to vote on a proposed millage rate at the July 8, 2020, meeting, noting same could then be lowered but not increased at the budget public hearings in September 2020.

Discussion ensued regarding the millage rate with several members expressing preference to retain the current millage rate.

City Manager Kunik stated staff would prepare an agenda item for the July 8, 2020, agenda using the current millage rate (3.4337).

Councilmember Carey commented the City was a business and the costs of doing business were increasing, opining residents were willing to pay for an increase.

Fiscal Year 2021 Budget Status for Gas Tax Funds.

Ms. Simeone reviewed the budget for the Gas Tax Funds, noting there had been a decrease in revenue from same. She presented the Additional Five Cent Gas Tax Fund's Proforma for FY 2020/2021 through FY 2024/2025, noting revenue of \$246,000 was estimated for FY 2020/2021, which was an overall estimated reduction of 7.5%; therefore, the paving program was reduced. She noted the paving program would be balanced with a subsidy of \$459,000 from General Fund Ad Valorem. She then presented the Six Cent Gas Tax Fund's Proforma for FY 2020/2021 through FY 2024/2025, noting this fund included other sources such as Florida Department of Transportation funds for signal maintenance and the street sweeping program. She noted this fund's total revenues were decreased and overall expenditures remained flat, concluding the fund remained balanced through FY 2024/2025 with use of reserves.

Mayor Prafke confirmed members were amenable to hearing the Pickleplex discussion prior to hearing the Burnt Store Isles Canal Maintenance Assessment District budget discussion.

Note: The City Council adjourned and reconvened as the Burnt Stores Isles Canal Maintenance Assessment District at 12:45 p.m.

BURNT STORE ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT

Fiscal Year 2021 Burnt Store Isles (BSI) Canal Maintenance Assessment District Budget Status and Discussion.

Ms. Simeone provided an update on the BSI Canal Maintenance Assessment District's (CMAD) proposed revenues and expenditures for FY 2020/2021, the proforma through FY 2024/2025 and the 5-year Special Project Program, as delineated in the agenda material, stating staff proposed an Operating Assessment rate of \$460 for a single-

family residence and elimination of the \$95 Dredging Project Assessment as the Federal Emergency Management Agency (FEMA) had increased the percentage of their contribution for Hurricane Irma-related seawall costs and there were other savings in the prior year. She noted no rate increases were projected for FY 2021/2022 through FY 2024/2025 and special projects required approval before funding was determined. She briefly reviewed the proforma and assumptions for revenues and expenditures, confirming City Council was amenable to appropriating \$93,980 to pay off the dredging debt service, the proposed assessment rate and the proposed FY 2020/2021 budget. She then stated it was necessary to discuss the use of the master agreement awarded to Hans Wilson for FEMA rip-rap project's permitting, explaining doing so would mean permitting would not be eligible for reimbursement from FEMA; however, there were several projects that would require the same types of studies and staff desired to avoid duplication of costs and efforts. She stated separation of the rip-rap permit could also result in delays, anticipating costs would increase as the contract would have to be federalized.

Councilmember Carey inquired as to reimbursement from FEMA.

Ms. Simeone responded staff was confident FEMA and the State would reimburse construction costs, noting the reimbursement rate would be 95%. She stated the estimated cost for the permitting was approximately \$200,000, confirming the current assessment rate would cover the cost, which was a small portion of the project.

Consensus of Council was to pursue permitting of the rip-rap mitigation project through the Master Agreement.

Note: The Burnt Store Isles Canal Maintenance Assessment District adjourned and reconvened as the Punta Gorda Isles (PGI) Canal Maintenance Assessment District (CMAD) at 1:10 p.m.

PUNTA GORDA ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT

Fiscal Year 2021 Punta Gorda Isles (PGI) Canal Maintenance Assessment District Budget Status and Discussion.

Ms. Simeone provided an update on the PGI CMAD's proposed revenues and expenditures for FY 2020/2021, the proforma through FY 2024/2025 and the 5-year Special Project Program, as delineated in the agenda material, stating staff proposed an Operating Assessment rate of \$550 for a single-family residence and elimination of the \$100 Hurricane Irma Assessment. She noted no rate increases were projected for FY 2021/2022 through 2024/2025. She briefly reviewed the proforma and assumptions for revenues and expenditures, noting the Ponce de Leon Inlet (Inlet) Widening and Dredging Project was on hold.

City Manager Kunik stated City Council could discuss that project this date or invite a representative from the PGI Canal Advisory Committee (CAC) to attend a discussion at a future meeting.

Discussion ensued regarding the process to establish a special assessment for the project as well as estimated costs and the need for the project, with consensus of Council to schedule discussion of the project with a representative from the PGI CAC.

Ms. Simeone confirmed there was consensus of Council to proceed with the Operating Assessment rate of \$550, the proposed budget and use of the Master Agreement awarded to Hans Wilson for the FEMA rip-rap project's permitting for the July 8, 2020, meeting.

NOTE: The Punta Gorda Isles Canal Maintenance Assessment District adjourned and reconvened as the City Council at 1:24 p.m.

UNFINISHED BUSINESS

Incoming City Manager Contract Update.

City Attorney Levin reported he anticipated having a draft contract available for the July 8, 2020, meeting, noting Mr. Murray would begin employment on August 24, 2020, at a salary of \$140,000 and provision of a leased vehicle. He stated Mr. Murray had requested reimbursement of moving expenses not to exceed \$12,000.

Mayor Profke inquired if the contract included a provision for a probationary period during which the contract could be terminated without providing severance.

Mr. Phil Wickstrom, Human Resources Manager, replied the City would be responsible for severance of 20 weeks if Mr. Murray was terminated between August 24, 2020, and December 31, 2022, adding there would also be insurance costs for a period of 20 weeks. He then stated the company doing the background check was not currently performing on-site research due to the COVID-19 situation, indicating the report might not be returned until July 3, 2020.

NEW BUSINESS

NOTE: The PicklePlex discussion was heard following presentation of the FY 2021 Budget Status for Gas Tax Funds.

Discussion of PicklePlex® Decision to Establish Memberships.

City Manager Kunik stated staff had been informed the PicklePlex Board was considering an annual membership fee, noting the City had contributed approximately \$65,000 towards construction of a court and utility work. He stated the PicklePlex Board constructed, operated, managed and maintained the facility on their own, noting they had experienced difficulties due to the pandemic's impact on their ability to hold tournaments and events. He stated City Council could not dictate to Pickleplex but

could make recommendations. He stated if people chose not to pay a fee, play could increase at Gilchrist Park. He stated staff was obtaining quotes to repair or resurface the Gilchrist Park courts.

Councilmember Carey opined there was no need for Council to discuss this matter, noting the City's contribution was given with no conditions. She pointed out the Pickleplex Board could not have anticipated a three-month shutdown and the need to cancel tournaments, concluding whether to offer memberships was the Board's decision to make.

Councilmember Miller concurred.

Councilmember Matthews stated she had heard many objections to fees being charged to use a court funded by taxpayer dollars, adding there was also a concern Gilchrist Park would be inundated with players and a resurgence of negativity related to same. She suggested the City's court remain available free of charge.

Councilmember Cummings opined it was reasonable to charge a modest fee in order for the facility to be maintained; however, it was necessary to understand there could be consequences for residents living near Gilchrist Park.

Mayor Prafke clarified she was not a voting member of the Pickleplex Board. She stated PicklePlex was a privately-run facility, opining people took greater care of facilities when they were invested in them.

Councilmember Carey clarified the City did not own a court but rather made a donation of funds toward the construction of a court.

Councilmember Cummings stated the City took that action with the understanding it would relieve pressure on the Gilchrist Park courts.

Councilmember Matthews concurred, commenting a fee for use of those courts might need to be implemented in the future. She reiterated one Pickleplex court should remain available to use for free.

Mayor Prafke opined the PicklePlex Board's plan would provide a greater amount of time for free play than holding one court available for free at all times.

Councilmember Matthews suggested the County should contribute to the facility.

Ms. Gloria Reilly thanked Council for their comments as well as their support over the years. She explained the fee was intended to maintain PicklePlex as a first-class facility which would continue to benefit the community's economy.

Councilmember Carey inquired whether the fees would be eliminated once tournament play resumed.

Ms. Reilly replied same was being considered.

Mr. Gary Wilson stated funding the courts through tournaments needed to be balanced with public use.

NOTE: City Council recessed for lunch with the meeting to resume at approximately 12:45 pm.

RECOMMENDATION FROM CITY OFFICERS

NOTE: The City Manager's recommendations were heard following the Incoming City Manager Contract Update.

CITY MANAGER

Mr. Chuck Pavlos, Interim Utilities Director, reported blended water was being sent into the water distribution system.

City Manager Kunik reported the group preparing the applicant package for the former IMPAC University/Military Heritage Museum would be meeting with staff to review same.

Update on City Actions Relating to Declared State of Emergency (COVID-19)

Fire Chief Ray Briggs reported while Charlotte County had experienced an uptick in its infection rate, it was not as high as the rest of the State, noting the uptick was mostly in the working age group. He indicated hospitals were running at 60% to 70%, which was well within capacity. He stated testing remained a priority, adding 185 people were tested at the Cooper Street Recreation Center the previous day; however, that site would be moved to South County Regional Park due to logistics.

Mayor Prafke stated locating testing sites was difficult.

Fire Chief Briggs offered to post information on the City's website. He reported a few employees had been exposed to the virus and were working from home, adding employees were encouraged to be vigilant, wear face masks and socially distance. He noted there was a push to make masks available County-wide, stating the City was distributing 8,000 masks.

City Manager Kunik presented the topic of mandating face masks, briefly reviewing the requirements and exceptions within ordinances adopted by the City of Sarasota and the City of Sanibel.

Discussion ensued with City Manager Kunik confirming Council desired staff to draft an ordinance which focused on requiring masks indoors.

Police Chief Pam Davis reported she had not observed issues outdoors, opining it would be helpful for businesses to post signs regarding the requirement. She expressed desire for an ordinance which would be easy to enforce, opining requiring masks outdoors would inundate the Police Department with calls.

Fire Chief Briggs affirmed masks worked to reduce exposures. He noted most people were doing the right thing and the ordinance would address those who were not. Police Chief Davis indicated the six-foot distance exception could be difficult to enforce.

City Attorney Levin commented he did not believe requiring signs be posted was necessary, speaking in favor of ensuring people understood masks should be worn outdoors as well. He noted government had the authority to provide regulations to protect public health, safety and welfare, adding arguments that ordinances requiring masks were unconstitutional were not supported by law.

City Manager Kunik then stated the number of individuals allowed into Council Chambers could be increased, expressing preference not to do so.

CITY ATTORNEY

None.

BOARDS AND COMMITTEES

Announcement of Vacancies

Building Board (2)

City Clerk Smith announced the vacancies.

Nominations

Building Board – Alternate

Councilmember Matthews **MOVED** to nominate and appoint Mr. Ara Aprahamian, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

PRAFKE: Noted the next Council meeting dates were July 8, 2020 and August 19, 2020.

CITIZENS COMMENTS

Citizens' comments were read into the record at the beginning of the meeting.

The meeting was adjourned at 2:00 pm.

Mayor

City Clerk