

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, AUGUST 19, 2020, 9:00 A.M.**

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

CITY EMPLOYEES PRESENT: Kristin Simeone, Finance; Rick Keeney, Public Works; Charles Pavlos, Utilities; Joan LeBeau, Urban Design; 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 the following public comments into the record: Mr. Bob Simmons and Ms. Susan Simmons expressed concern regarding the width of Alligator Creek from Buckley's Pass to the end of the Creek; Mr. Bill Page expressed concern Buckley's Pass was not a minimum of 75 feet in width at all points; Mr. Harry Agabedis and Ms. Della Booth, Punta Gorda Housing Authority (PGHA) Board members, wrote in support of the Local Government Areas of Opportunity (LGAO) loan for the PGHA; Mr. Gary Skillicorn requested adequate safety procedures be in place if a Halloween event were to take place; Mr. Bob Talley voiced opposition to making a change to US 41 North before the bridge.

Ms. Cathy Getz, PGHA Board member, spoke in support of the LGAO Loan. She then spoke as a Christmas Tree Lighting Committee member, requesting City Council approve funding to create a festive atmosphere in the downtown.

Ms. Geri Waksler explained City Council approval of the LGAO increased the PGHA's opportunities for State funding.

City Manager Kunik read into the record a comment from Mr. Terry Cox, who voiced opposition to installing traffic circles on US 41 North.

PROCLAMATION/PRESENTATIONS

None.

Introduction of Board/Committee Member Nominees

None.

PUBLIC HEARINGS

None.

QUASI- JUDICIAL PUBLIC HEARINGS

City Attorney Levin swore in the participants.

AX- 01- 2020 An Ordinance of the City Council of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, a total of 3.16 +/- acres being a portion of Section 17, Township 41 South, Range 23 East, Charlotte

County, Florida, more particularly described in the boundary surveys attached hereto, and addressed as 3086 and 3078 Cooper Street, 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.

FIRST READING

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. She reviewed staff's findings, noting the request required a small scale comprehensive plan and rezoning amendment and was consistent with the Punta Gorda Comprehensive Plan 2040 Elements. She reviewed staff's conclusions, noting the subject properties were currently served with municipal water. She stated a two-inch force main for wastewater lines had recently been extended to the property line and additional utility construction plans were under construction. She concluded staff and the Planning Commission recommended approval of the request.

Ms. Geri Waksler, authorized agent for Punta Gorda SS LLC and Levi Holdings LLC, requested the application in support of the annexation be entered into the record. She presented her findings, noting the parcels were both developed with existing uses which included a self-storage facility and Nino's Bakery. She stated the proposed City land use and zoning designations would allow the existing businesses to continue their operations, adding the existing development complied with the Special Purpose District's development standards. She concluded annexation was beneficial to the City, concurring with staff's conclusions and recommendations and requesting approval of the request.

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-01-2020, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

CP- 01- 2020 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 Intensity Industrial/County (LII/COUNTY) to Light Industrial/City (LI/CITY) for 3.16 +/- acres being a portion of Section 17, Township 41 South, Range 23 East, Charlotte County, Florida, more particularly described in the boundary surveys attached hereto, and addressed as 3086 and 3078 Cooper Street; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Hannon entered the staff report into the record in its entirety by reference, noting this request was a companion amendment to AX-01-2020. She stated there were pre-annexation agreements executed and approved by City Council. She stated the amendment would change the Future Land Use Map from County Low Intensity Industrial to City Light Industrial and apply all the provisions of the City's Comprehensive Plan. She explained there was no new development proposed at this time, reiterating the properties were currently served by municipal water, wastewater lines were recently extended and additional utility connections to the properties were under construction by the applicant's contractor. She then highlighted the 2040 Comprehensive Plan Element Consistency and how concurrency requirements had been met. She reviewed staff's conclusions from the agenda material, noting staff and the Planning Commission recommended approval of the request.

Mayor Prafke and **Councilmember Carey** disclosed they had met with the applicants regarding the sewer connections.

Ms. Waksler, authorized agent, requested the application be entered into the record in its entirety, requesting that her comments made during the previous hearing be adopted under oath at this time.

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 CP-01-2020, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Z- 01- 2020 An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 3.16 +/- acres being a portion of Section 17, Township 41 South, Range

23 East, Charlotte County, Florida, more particularly described in the boundary surveys attached hereto, and addressed as 3086 and 3078 Cooper Street, from its current Charlotte County zoning classification of Industrial General/County (IG/COUNTY) to City of Punta Gorda zoning classification Special Purpose/City (SP/CITY); providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Hannon entered the staff report, as delineated in the agenda material, into the record in its entirety by reference, noting this request was a companion application to AX-01-2020 and CP-01-2020. She provided a brief review of the request, stating the amendment would change the property's zoning classification to Special Purpose/City. She stated no new development was proposed and the property currently received City water and sewer service, noting additional utility connections were under construction by the applicant's contractor. She reviewed how the request met concurrency requirements, concluding the request was consistent with the 2040 Comprehensive Plan and staff and the Planning Commission recommended approval of same.

Ms. Waksler asked for the application to be entered into the record in its entirety and for her comments from the hearing for AX-01-2020 (see above) to be added under oath to the record, requesting approval of Z-01-2020.

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 Z-01-2020, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

SV- 01- 2020 A Resolution of the City Council of the City of Punta Gorda, Florida, vacating a portion of the Plat of South Highlands, according to the map or plat thereof as recorded in Plat Book 2, Page 6, Public Records of Charlotte County, Florida, being further bound and described as all or part of Lots 14 through 34, 39 through 51, 69 through 70 and Rights- of- Way of First Avenue, Second Avenue and Third Avenue, lying North of Jones Loop Road Right- of- Way, containing 5.43 +/- acres; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Hannon entered the staff report, as delineated in the agenda material, into the record in its entirety by reference, noting the subject property was vacant and the

platted streets contained no public improvements. She explained vacation was required to facilitate proposed development of multi-family residential units with associated amenities. She stated all appropriate utilities services had been notified, adding Comcast was satisfied and no comments were received from CenturyLink. She concluded staff and the Planning Commission recommended approval of the request. Ms. Waksler, authorized agent for Parkside Real Estate Acquisitions (Parkside), stated she would provide a unified presentation for this request as well as the accompanying Comprehensive Plan amendment request and Planned Development request, which were required before development could commence. She then stated the entire site was 22.8 acres, adding vacation of 5.438 acres of the site was requested. She noted the platted lots were vacant and no utilities were located in the adjacent roads. She explained the proposed land use and zoning designations would enable development of the property as a 297-unit, Class A rental apartment community consistent with the Punta Gorda Comprehensive Plan's goal of creating a lively, economically-viable, pedestrian-oriented town. She noted the proposed Planned Development ordinance entailed a site plan which would be adopted and to which development was required to conform. She briefly reviewed the buildings' architecture, the site layout and street and sidewalk connections. She summarized the development would begin to create a mixed-use area in the currently entirely commercial Jones Loop corridor. She concurred with staff's findings and recommendations. She requested the application for the street vacation be entered into the record in its entirety, further requesting approval of the street vacation.

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 SV-01-2020, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CP- 02- 2020 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 changing the Future Land Use Map designation from Highway Commercial Corridor (HCC/CITY) to High Density Residential/City (HDR/CITY) for 22.80 +/- acres lying in Section 21, Township 41 South, Range 23 East, being a part of the property described in Official Records Book 3642, Page 473, Charlotte County

Public Records and being further bounded and described in Exhibit “A” attached hereto; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Hannon entered the staff report, as delineated in the agenda material, into the record in its entirety by reference, noting the request, a companion to PD-01-2020, would amend the City’s Future Land Use Map to designate the subject property as High Density Residential/City and would apply all provisions of the City’s Comprehensive Plan as described in the application. She noted the entire “Loop” annexation area was entitled to a maximum density of 450 units, with use of 297 units proposed, adding the remaining “Loop” area could be eligible for the transfer of additional density units through the County’s transfer of density units process. She highlighted the request’s consistency with elements of the 2040 Comprehensive Plan and how concurrency requirements had been met, then reviewing staff’s conclusions from the agenda material. She concluded staff and the Planning Commission found the request to be consistent with the Comprehensive Plan and recommended approval of the request as well as approval to transmit the proposed Comprehensive Plan amendment to the Department of Economic Opportunity (DEO) and related reviewing agencies.

Councilmember Matthews confirmed staff was confident the current water and wastewater infrastructure on Jones Loop Road was sufficient to accommodate the proposed development as well as future development in the corridor.

Ms. Waksler, authorized agent, requested the application be entered into the record in its entirety and that her comments from the hearing for SV-01-2020 be added under oath to the record.

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-02-2020 and approval to transmit the proposed Comprehensive Plan amendment to the DEO and related reviewing agencies, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

PD- 01- 2020 An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 22.80 +/- acres lying in Section 21, Township 41 South, Range 23 East, being a part of the property described in Official Records Book 3642, Page 473, Charlotte County Public Records and being further bounded and described in

Exhibit “A” attached hereto; from its current zoning classification of Highway Commercial/City (HC/CITY) to Planned Development Neighborhood/City (PDN/CITY); providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Hannon entered the staff report into the record by reference, noting this request was a companion to CP-02-2020 and SV-01-2020. She reported the request was conditioned by the Loop Area Interlocal Agreement, explaining a Planned Development was required for the proposed development. She stated the entire Loop property was entitled to a maximum density of 450 residential units, with use of 297 units proposed, adding the remaining Loop area could be eligible for the transfer of additional density units through Charlotte County’s transfer of density units process. She noted the High Density Residential land use allowed a maximum of 15 units per acre, but the proposed units for the site came to approximately 13 units per acre. She presented the Planned Development Neighborhood site plan, which included 6 three-story multi-family buildings, internal amenities and recreational facilities. She then highlighted the request’s consistency with elements of the 2040 Comprehensive Plan and conformance with the Planned Development approval criteria. She noted Development Review Committee approval would be required prior to application for building permits, explaining all Planned Development requirements would be reviewed at that time. She concluded staff and the Planning Commission recommended approval of the request.

Mayor Prafke stated concerns were expressed regarding there being only one entrance on Jones Loop Road and the Burnt Store Road entrance being optional.

Ms. Hannon clarified the entrance on Burnt Store Road was mandatory, adding there would be cross access on the east side as well.

Mayor Prafke inquired as to the gate.

Ms. Waksler, authorized agent for Parkside Real Estate Acquisitions LLC, replied the intent of same, if constructed, was to provide security for the community, noting it would not prevent residents or emergency personnel from accessing the property. She then requested the application for rezoning be entered into the record in its entirety and that her comments made pursuant to the application for the vacation (see SV-01-2020 above) be entered into the record under oath.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin requested an additional condition that development would be consistent with the site plan provided in the application, explaining same was typically included as a requirement.

Ms. Waksler stated the applicant had no objection to the addition.

Councilmember Matthews **MOVED** approval of PD-01-2020 with the condition that the applicant develop the site according to the site plan in addition to staff's recommended conditions of approval, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Mayor Prafke requested Mr. Joe Pepe's presentation be heard prior to Ordinance/Resolutions, confirming members were amenable to same.

Councilmember Carey requested the PGHA request be heard following Mr. Pepe's presentation.

Mayor Prafke confirmed members were amenable to the change.

Mr. Pepe, Florida Health Department (Department) in Charlotte County, displayed several graphs regarding COVID-19 data, noting there was a steady decrease in Charlotte County's infection rate numbers, a decreased median age and sustained household transmission. He stated the number of people coming to the Department's open test sites had declined significantly, commenting on possible causes of the decrease. He stated the positivity rate was small and remained relatively stable, adding the percent positive was 2.4% for the previous day and 8.65% overall for the duration of the outbreak. He stated the number of emergency department visits and the death rate had decreased due to the increased number of younger people contracting the virus and improvements to care. He indicated cases in residents and staff of long-term care facilities were beginning to level off, explaining the increased number of cases in residents resulted in part from the use of many of Charlotte County's long-term care facilities as COVID-19 units which received patients from around the State as well as from local hospitals and facilities. He then reviewed information on the number of patients transferred from long-term care facilities into hospitals, explaining a recent spike resulted from a facility sending symptomatic patients to the hospital while they ensured infection control was in place. He then reviewed information on intensive care unit (ICU) bed availability, noting usage remained relatively stable but had surpassed ICU bed availability on a few days, with hospitals adapting by utilizing other areas. He then presented a breakdown of the number of ICU patients under and over 65 years of

age, emphasizing those under the age of 65 were not free of risk. He reported ventilator utilization had not neared capacity and additional ventilators could be added if necessary. He displayed a heat map of cases in the County, stating the City's mask ordinance had been effective. He reviewed the trend in cases since the beginning of the pandemic, concluding the reopening plan was working and, if maintained, all social establishments could be reopened safely.

City Manager Kunik summarized the message was to stay the course.

Mr. Pepe agreed, stating he would be pleased to see reported cases remain in the single digits and if the County began to see days with no new cases reported.

City Manager Kunik noted the City continued its policy of not approving events in the parks with anticipated attendance of more than 50 people.

Mr. Pepe concurred it was important to avoid large crowds and to socialize safely.

Councilmember Carey voiced concern regarding the amount of time it took to get the results of a test, questioning the value of a test when results were significantly delayed.

Mr. Pepe replied people were advised to assume they were positive and to isolate until they received test results, noting the Department was holding itself to a 24- to 48-hour turnaround on test results. He indicated larger labs were improving their turnaround on test results related to the Centers for Disease Control's new guidance on returning to work, stating private labs were now providing results within five days.

Councilmember Carey inquired if people who had been on a plane should isolate.

Mr. Pepe replied there was much information on travelling available on the Department's website. He spoke in favor of avoiding non-essential travel, advising individuals who traveled to high-risk areas or were directly exposed to COVID-19 to seek testing and isolate.

Councilmember Matthews inquired if the new saliva test was available in the County.

Mr. Pepe replied in the negative, explaining some of the newer tests were not as sensitive and produced false negatives; however, some could become available after they were validated. He noted anti-body tests were available, adding blood donors received an antibody test. He stated rapid antibody tests appeared promising and could be useful in the event hurricane shelters needed to be opened.

Councilmember Matthews inquired as to re-opening schools.

Mr. Pepe stated the Department of Health was in a position to continue providing guidance to schools, had established a testing clinic and a team to support testing children and caregivers without a physician and had a call center to answer questions from parents and school staff members. He acknowledged no plan was without risk;

however, he believed the County was in a good position and the County school district was as prepared as could be for reopening. He noted pediatric case volumes were low, which lowered the risk in schools. He concluded the first line of defense was educating parents and caregivers to keep children home if anyone in the home showed signs of illness until it could be determined the children were not symptomatic or ill with COVID-19.

NOTE: Ordinance/Resolution was heard following the Local Government Areas of Opportunity funding request.

ORDINANCE/RESOLUTION

No Public Hearing Required

ZA- 01- 2020 - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending Chapter 26, "Land Development Regulations", of the Punta Gorda Code, by amending Article 3, "Regulating Districts", to establish a new Interchange Commercial Overlay District; amending Section 3.1, "District Classification"; adding a new Section 3.21, "IC, Interchange Commercial Overlay District"; amending Article 4, "Uses Permitted With Conditions"; amending Article 7, "Architectural Provisions"; amending Article 10, "Parking and Loading"; and amending Article 11, "Sign Standards"; renumbering Code sections accordingly; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title. He requested to reopen the public hearing in order to identify the areas of the draft ordinance which required correction and to provide an opportunity for the public to comment on same. He noted the first error in the draft ordinance was the omission of the word "sign" following the word "ground" in Chapter 26, Article 11, Paragraph 11.3(g)(5).

Ms. Hannon noted there was an error in the draft ordinance in Chapter 26, Article 7, Paragraph 7.4(g)(4)a., explaining under Article 10, Sections 10.2(a) and 10.3(a) there would be a conflict as staff desired to allow parking in front of buildings. She stated the suggested language was, "constructed in compliance with the provisions of Article 10, Parking and Loading, excepting Sections 10.2(a) and 10.3(a)."

Councilmember Matthews **MOVED** to open public hearing, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

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 ZA-01-2020 with the modifications noted by the City Attorney and City staff, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, repealing Resolution 3461- 19; and approving an Amended and Restated Pre- Annexation Agreement with Levi Holding, LLC for the property generally described 3078 Cooper Street, Units 51 through 56, Charlotte County, Florida; authorizing the mayor to execute the agreement; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Macalle Finkle, Paralegal, explained the Pre-annexation Agreement for Nino's Bakery located at 3078 Cooper Street, Units 51 through 56, was being amended to provide a 50-percent rebate on the City's ad valorem property tax for two years.

Discussion ensued regarding inclusion of the tax rebate, its history and whether the policy of offering the rebate should be reexamined in the future.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, repealing Resolution 3480- 2020; approving an Amended and Restated 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.

City Attorney Levin read the resolution by title.

Ms. Finkle explained the Pre-Annexation Agreement for Punta Gorda Self Storage located at 3086 Cooper Street, Units 51 through 56, was being amended to provide a 50-percent rebate on the City's ad valorem property tax for two years.

Councilmember Matthews **MOVED** approval the resolution, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, declaring the necessity for the acquisition of real property described as Lots 17 and 18, Block P, La Punta Park Subdivision, according to the plat thereof recorded in Plat Book 2, Page 4, Public Records of Charlotte County, Florida for the construction of

stormwater drainage improvements in the Boca Grande area, a public use and purpose; authorizing the acquisition of said property in fee simple by means of eminent domain in accordance with the provisions of Florida Law; authorizing the employment of appraisers and other experts; authorizing the filing of eminent domain proceedings; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Macalle Finkle, Paralegal, recalled staff had been unable to negotiate an acceptable purchase price with the property owner, explaining this resolution authorized staff to move forward with acquisition of certain parcels of real property by eminent domain.

City Attorney Levin explained the process of taking property by eminent domain, which included taking the request through the Court system for approval and determination of the appropriate compensation to the property owner. He noted the properties' appraisals might need to be updated in order to justify the money deposited into the registry in the court for the quick-take process, adding the property owners would need to be noticed in accordance with State Statute.

Discussion ensued regarding the appraised value of the properties.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, declaring the necessity for the acquisition of real property described as Lots 19 and 20, Block P, La Punta Park Subdivision, according to the plat thereof recorded in Plat Book 2, Page 4, Public Records of Charlotte County, Florida for the construction of stormwater drainage improvements in the Boca Grande area, a public use and purpose; authorizing the acquisition of said property in fee simple by means of eminent domain in accordance with the provisions of Florida Law; authorizing the employment of appraisers and other experts; authorizing the filing of eminent domain proceedings; and providing an effective date.

City Attorney Levin read the resolution by title.

Councilmember Matthews **MOVED** approval of resolution, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

A Resolution authorizing use of "quick-taking" condemnation proceedings in accordance with provisions of Florida laws to acquire real property described as Lots 17 and 18, Block P, La Punta Park Subdivision, according to the plat thereof recorded in Plat Book 2, Page 4, Public Records of Charlotte County, Florida for

the construction of stormwater drainage improvements in the Boca Grande area, a public use and purpose; and providing an effective date.

City Attorney Levin read the resolution by title.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution authorizing use of “quick-taking” condemnation proceedings in accordance with provisions of Florida laws to acquire real property described as Lots 19 and 20, Block P, La Punta Park Subdivision, according to the plat thereof recorded in Plat Book 2, Page 4, Public Records of Charlotte County, Florida for the construction of stormwater drainage improvements in the Boca Grande area, a public use and purpose; and providing an effective date.

City Attorney Levin read the resolution by title.

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

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

- A. City Clerk's Department
 - 1. Approval of Minutes: Special Meeting of June 24, 2020
 - 2. Approval of Minutes - Regular Meeting of July 8, 2020
 - 3. Approval of Minutes: Special Meeting of July 10, 2020
 - 4. Approval of Minutes: Regular Meeting of July 1, 2020
- B. City Manager's Department
 - 1. City Manager Vacation Accrual
- C. Legal Department
 - 1. Invoices of Allen, Norton & Blue, P.A. for legal services rendered in June & July 2020
 - 2. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through August 13, 2020
 - 3. Monthly Litigation Report
- D. Finance Department
 - 1. Award of Vehicle Lease to Gettel Hyundai of Charlotte County

E. Police Department

1. A Resolution of the City of Punta Gorda, Florida, approving the Amendment to School Resource Officer Agreement between the City of Punta Gorda Police Department and the School Board of Charlotte County, Florida; authorizing the City of Punta Gorda Mayor to execute the agreement on behalf of the City; and providing an effective date.

BUDGET

Award of Agreement to Preferred Materials, Inc. of Lutz, Florida for the Purchase and Delivery of Ready-mix Concrete Products to Various City Project Sites, as Required.

Ms. Julie Rogan-Sutter, Procurement, explained only one response to the solicitation was received despite extensive efforts to generate interest, noting Preferred Materials was a responsive and responsible bidder; thus, staff recommended award of the Agreement to that firm.

Councilmember Cummings **MOVED** approval of award of the Agreement to Preferred Materials, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Final Accounting for the Buckley's Pass Additional Harbor Access Project

Ms. Kristin Simeone, Finance Director, explained the final accounting was \$2,660,836 versus the originally projected \$2,737,192, a difference of \$76,356. She explained the adjusted assessment, noting there would be a refund of \$27.50 per water access unit and a reduced tax bill collection for Year 3.

Mayor Profke expressed concern regarding the number of comments on Alligator Creek (Creek) she had received, noting Mr. Gary Disher, Mapping, Permitting and Compliance Manager, felt the work met the required criteria. She concluded residents desired the final accounting be delayed until the issues regarding the Creek's width were resolved.

Ms. Simeone replied same could be done.

Councilmember Matthews pointed out construction of Buckley's Pass was a City project with funds collected specifically for its construction, whereas the Creek was under the County's jurisdiction. She opined the Creek had been used by boaters for years without any problems.

Mayor Profke disagreed, noting larger boats had begun using the Creek following construction of Buckley's Pass, which was problematic as the channel was only 25-feet wide in many areas. She stated the Creek's Municipal Special Benefit Unit opined they

were not responsible for addressing this issue but would maintain the Creek after everything was set properly.

Ms. Finkle stated the area identified as narrow was well to the west of Buckley's Pass; thus, it would be inappropriate to use funds collected through the project's special assessment to widen the Creek.

Discussion ensued regarding the assessments for the Creek MSBU and the Buckley's Pass project as well as what was permitted within the Buckley's Pass project.

Councilmember Cummings suggested researching the matter with Hans Wilson & Associates.

City Manager Kunik pointed out the permitting agencies had signed off on the completed project, indicating all the project's specifications were met. He stated staff was prepared to move forward with refunds.

Councilmember Matthews **MOVED** approval to close out the Buckley's Pass project and to issue the refunds, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Ms. Simeone advised it would take approximately 60 days to issue all of the refunds.

Ms. Finkle explained there were approximately 1,550 prepaid accounts which would be issued refunds and approximately 450 parcels would be assessed \$399.95 on the November 2020 tax bill and \$285.08 on the November 2021 tax bill.

Councilmember Matthews inquired as to unpaid assessments.

Ms. Simeone responded there was a very small percentage of such properties, explaining those funds were generally collected at some point as the County would conduct a tax sale.

Supplemental Appropriation in BSI Canal Maintenance Fund to Pay Off Perimeter Dredging Debt in FY 2020

Ms. Simeone explained additional fund balance was available due to FEMA increasing the reimbursement percentage on the Hurricane Irma seawall repairs from 75% to 90%, thereby reducing the State and City's percentages from 12.5% to 5% each. She stated use of the funds to make the final payment on the perimeter canal dredging project debt service in FY 2020 would allow the elimination of the dredging assessment that was scheduled for FY 2021.

Councilmember Matthews **MOVED** approval to appropriate \$93,980 to make the final payment on the debt service as recommended by staff, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

None.

NEW BUSINESS

US 41 Northbound Lane Repurposing Study Application

Mr. Mitchell Austin, Chief Planner, provided a PowerPoint presentation, as delineated in the agenda material, explaining the Florida Department of Transportation's (FDOT) resurfacing, restoration and rehabilitation project on US 41 North from Williams Street to the Peace River Bridge would be designed in FY 2020/2021 at a cost of \$2.4 million, with construction to occur in FY 2023/2024. He noted existing roadway conditions included excessive vehicular speeds and excessive lane changing as the roadway transitioned from three lanes to two lanes. He briefly reviewed planning considerations and critical issues identified in design project scoping, noting FDOT was concerned installation of a traffic signal at Retta Esplanade and curb bulbs along the corridor from Retta Esplanade to the Four Points hotel would have significant impacts on traffic, safety, access management, freight movement and other jurisdictions. He stated FDOT recommended the City apply for a lane repurposing study, which would include technical analysis and public input meetings. He briefly explained FDOT's process for same, noting it would examine costs and benefits associated with alternative configurations to the existing three-lane one-way road to enhance safety for all users. He stressed the study was requested and driven by the City, with FDOT to assist in developing solutions, recommending City Council authorize the City Manager to direct staff to move forward.

City Manager Kunik stated it was necessary for City Council to determine whether they wanted FDOT to conduct the study or to move forward with the resurfacing project.

Councilmember Miller questioned the amount of staff time involved.

Mr. Austin replied FDOT had agreed to provide assistance. He explained performing the study at this time could provide the benefit of working toward goals from the City's transportation study and the Citywide Master Plan during the upcoming resurfacing project, concluding another opportunity such as this might not arise for 20 years as that was how often resurfacing projects were typically performed.

Councilmembers Carey and Cummings spoke in favor of moving forward with the study.

Councilmember Matthews spoke in opposition to eliminating a lane on US 41 North in the downtown.

Mayor Prafke spoke in favor of making the area more pedestrian friendly.

Councilmember Miller inquired whether the Carmalita traffic circle was part of the resurfacing project.

Mr. Wayne Gaither, FDOT District 1, replied the Carmalita traffic circle would be done in conjunction with the resurfacing for cost savings in FY 2023/2024.

Councilmember Cummings **MOVED** approval to authorize the City Manager to direct staff to make application to FDOT for a lane repurposing study for US 41 North Corridor from Taylor Street to the Peace River Bridge, **SECONDED** by Councilmember Miller.

VOTING AYE: Carey, Cummings, Miller, Prafke.

VOTING NAY: Matthews.

MOTION CARRIED.

NOTE: The Local Government Areas of Opportunity funding request was heard following Mr. Pepe's COVID- 19 Update.

Local Government Area Opportunity (LGAO) Funding Request for Affordable Housing

City Manager Kunik explained staff had received a request from the Punta Gorda Housing Authority (PGHA) for a loan of \$340,000 with a 2-percent interest rate and an 18-year term to support their application for tax credits from the State. He noted the Special Use Fund or the General Fund Reserves could be used as a funding source. He concluded staff recommended approval of the request in order to support the Strategic Plan's affordable housing goal.

Mr. Kurt Pentelecuc, PGHA Executive Director, explained the need for additional affordable housing units. He stated the PGHA could possibly enter into a land use restriction agreement, noting the development project was for affordable housing. He indicated the question regarding whether some units could be restricted to residents of the City would need to be reviewed by the PGHA's legal counsel to determine if same was discriminatory.

Councilmember Matthews confirmed no land acquisition was required for the project.

Mr. Brian Evjen, Norstar Development, concurred with Mr. Pentelecuc. He stated the process of obtaining low-income housing tax credits was extremely competitive, noting the State had developed a policy to recognize and place preference on developments which had local support. He explained while the request was for only 2 percent of the project's funding, same was critical for the application to be competitive.

Mayor Prafke noted the property was close to many essential services, which provided the project a competitive advantage.

Mr. Evjen concurred, explaining the Florida Tax Credit Allocation Agency scored projects based on their proximity to local resources and services.

Councilmember Matthews **MOVED** approval of the request from the PGHA through the use of General Fund Reserves, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

Update on City Actions relating to Declared State of Emergency (COVID- 19) and Discussion of Halloween and Annual Tree Lighting

Ms. Finkle stated Halloween was an organic event heavily supported by City staff, advising the City's Trunk-or-Treat would not be held. She inquired whether City Council desired to provide resources for Halloween.

Councilmember Miller stated Halloween would take place and it was important to support safety.

Councilmember Carey opined residents did not want Halloween to take place, suggesting the City put out a message it would not take place.

Councilmember Matthews agreed, speaking in favor of leading by example and making a statement that typical Halloween celebrations would not happen this year. She suggested an alternative might be found.

Councilmember Cummings concurred the City should not facilitate trick-or-treating, noting residents he spoke with did not desire a large number of visitors.

Mayor Prafke agreed.

Mr. Norman Nahra, Police Captain, stated it would be difficult to enforce social distancing and mask wearing, voicing concern regarding promotion of Halloween. He stated there were mixed emotions, adding some residents were concerned about trick-or-treaters coming to their homes. He expressed hesitance to request the Police Volunteers to take part as they would be subjected to crowds. He stated he planned to have a double squad available that night, but he was not in favor of shutting down streets which gave the appearance the City was promoting the event, which opposed the Governor's current order.

Mayor Prafke concluded consensus of City Council was not to provide support for Halloween this year.

City Manager Kunik stated staff would communicate same.

Discussion ensued regarding the messaging to be used and the possibility of imposing a curfew, with Councilmembers expressing opposition to a curfew.

Ms. Finkle reported the Tree Lighting Committee (Committee) decided to cancel the music event typically held at the annual celebration and was considering alternatives. She stated the focus this year would be on decorating the downtown block of West Marion Avenue from Taylor Street to US 41 North. She concluded the Committee was requesting the City contribute to electrical infrastructure to support decoration of 14 trees at an estimated cost of \$9,500, adding an organization was interested in putting on a Christmas show for the entire month of December if the City permitted events at that time.

Councilmember Matthews expressed support for same.

Mayor Profke questioned if there were decorative snowflakes which needed to be replaced with wreaths.

Mr. Rick Keeney, Public Works Director, replied new wreaths and snowflakes were recently purchased.

Discussion ensued regarding the Premier Auto Auction typically held at the Charlotte Harbor Event and Conference Center, with Mr. Nahra reporting the event permit application was approved but put on standby.

Councilmember Matthews inquired as to whether five parades typically held between August and the end of January would be permitted.

Ms. Lisa Hannon, Zoning Official, replied she had multiple permits for parades and events which she had not yet processed due to the local Declared State of Emergency, explaining she informed event organizers event permit approval was still fluid. She noted an event application had been approved for a drive-in movie limited to 100 cars. She clarified the moratorium on event permits was for gatherings of more than 50 individuals.

Councilmember Matthews **MOVED** approval of the expenditure of \$9,500 for electrical infrastructure for Christmas decorations, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

City Manager Kunik announced Mr. Gregory Murray, Incoming City Manager, would begin employment on August 24, 2020.

Incoming City Manager Murray expressed appreciation for the opportunity to serve the City.

CITY ATTORNEY

City Attorney Levin reported the Gilchrist Park Playground deficiencies would soon be resolved. He announced an appeal had been filed by the plaintiff in the Vlcko case. He then provided an update on the lawsuit filed by Shoreline Foundation regarding denial

of their request for additional money related to the seawall contracts, indicating the earliest the trial would be heard was June 2021 due to the COVID-19 pandemic.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals (Alternate)

Board of Zoning Appeals (2)

City Clerk Smith announced the vacancies.

Nominations

Building Board

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

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

PRAFKE: Reminded everyone a City Council meeting was scheduled for August 26, 2020, adding the September City Council meetings and budget public hearings had been moved to the second and fourth Wednesdays of the month.

CUMMINGS: None.

MATTHEWS: Thanked the Historic District Homeowners Association for the opportunity to speak to them last month.

I- 75 Signage at Exit 164

- Noted FDOT had agreed to relocate the signage on Interstate 75 (I-75) South near Exit 167 to a location between Exits 167 and 164, adding FDOT agreed to change related signage at the ramp for Exit 164 to replace mention of the Historic District with the Military Heritage Museum and the Vietnam Memorial Wall.

Councilmember Matthews **MOVED** to authorize FDOT to change the signage at the ramp for Exit 164 on I-75 South as described and to relocate the signage on I-75 South to a location between Exits 167 and 164, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

MILLER: None.

CAREY: Commended the City's sanitation workers on their hard work.

CITIZENS COMMENTS

Citizens' comments were read into the record at the beginning of the meeting.
The meeting was adjourned at 1:17 p.m.

Mayor

City Clerk