

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, AUGUST 26, 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; Phil Wickstrom, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Kunik; Mr. Greg Murray, 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.

City Manager Kunik read public comments received via email into the record: Mr. Rick Page commented positively on the direction being taken with regard to the Comprehensive Plan 2040 Update. Ms. Cathy Graham spoke in favor of development which included provision for year-round residents living in the downtown. Mr. Jim Getz and Ms. Cathy Getz asked that the parking guidelines proposed by staff for the Historic district be adopted. Mr. James Brown requested a non-complicated ordinance which would allow citizens to report unknown vehicles parked on the street overnight. Ms. Sandy Brandt spoke in favor of adopting an ordinance which restricted on-street, overnight parking to residents, tenants and guests.

Mr. Bill Dryburgh stated there was a need for office space and/or buildings to purchase in the downtown; however, the cost of land and buildings were prohibitive to development in the downtown.

Mr. Bruce Laishley opined people liked density and wanted to live downtown, adding there were many benefits to same. He stated increased density and perhaps another twenty feet of height would be helpful while retaining the small town charm.

Mayor Prafke welcomed the scouts who were attending the meeting.

Ms. Connie Cantor, Scout Troup 433 Leader, stated attendance at a government meeting fulfilled a requirement for the communications merit badge. She asked City Council to keep in mind that the Louis Calder Scout House was currently known as the Bayfront Center.

PROCLAMATION/PRESENTATIONS

Introduction of Board/Committee Member Nominees

None.

QUASI- JUDICIAL PUBLIC HEARINGS

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. **SECOND READING**

City Attorney Levin read the ordinance by title, commenting there were no participants to be sworn in this date.

Councilmember Cummings **MOVED** approval of CP-04-19, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

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. **SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Matthews **MOVED** approval of Z-05-19, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

BUDGET

Award of Specific Authorization #3 to CPH, Inc. of Fort Myers, FL for professional engineering services to design the Virginia Avenue Multi- Use Recreational Trail

Ms. Anne Heinen, Procurement Manager, explained Specific Authorization (SA) #3 included professional services for planning, design, permitting and bidding services for the Multi-Use Recreational Trail (MURT) on Virginia Avenue from US 41 to Nesbit Street at a cost of \$179,198. She stated staff requested a contingency budget of \$8,900 to cover any additional surveying cost if required by the regulatory agencies, or any adjustments to the scope, noting the total cost of \$188,098. She concluded staff

recommended award to CPH, Inc. of Fort Myers, Florida and approval of the budget transfer.

Ms. Kristin Simeone, Finance Director, explained the rationale for the transfer of funds. Discussion ensued regarding the need for a transfer of funds to cover the cost of the project and the rationale for the increase to costs for engineering.

Councilmember Matthews **MOVED** approval of award of SA #3 to CPH, Inc. and approval of the budget transfer, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Award of Amendment #6 to Carollo Engineers, Inc., for professional services to design, permit and construction services for the Water Treatment Plant Filtration Rehabilitation and Improvements

Ms. Heinen explained Amendment #6 included professional services for design and permitting and construction services for the Shell Creek Water Treatment Plant filtration rehabilitation and improvements necessary to restore proper operating conditions, with completion of the project expected 12 months from issuance of the notice to proceed. She concluded the City would pay permitting fees of approximately \$4,000 for a total not-to-exceed cost of \$294,205, noting a transfer of funds was necessary.

Ms. Simeone explained the need to transfer funds was due to a change resulting from the evaluation of the filtration system, noting funds would come from unused reserve or contingencies.

Ms. Heinen concluded staff recommended approval of award of Amendment #6 to Carollo Engineers and the budget transfer.

Councilmember Matthews **MOVED** approval of award of Amendment #6 to Carollo Engineers Inc. and budget transfer, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Supplemental Appropriation Requests FY 2020

Ms. Simeone stated it had been an unusual year, outlining the various expenses requiring additional appropriations at this time, as delineated in the agenda materials.

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

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Punta Gorda's Place to Play: Park and Recreation Master Plan Update

Ms. Fabiana Solano, Urban Design Intern, presented the Parks & Recreation Master Plan Update, as delineated in the agenda materials. She explained the process and events

held to gather input to date and the timeline which included Plan Adoption occurring in December 2020.

Councilmember Matthews suggested consideration of expanding the services offered by the City and establishing a Parks & Recreation Division and to incorporate same into the overall plan moving forward.

Councilmember Carey agreed, noting she had received complaints that City parks had little to offer families.

Mayor Profke opined the Master Plan should include something that took the City to the next level, such as hiring someone who was certified in parks and recreation.

Councilmember Miller stated creation of a department involved costs, suggesting taking advantage of the expertise in the community to keep costs reasonable.

Councilmember Miller **MOVED** to include a proposal for creation of a parks and recreation department in the Master Plan, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Master Plan: City of Punta Gorda Comprehensive Plan 2040 Update

Mr. Mitchell Austin, Chief Planner, provided a project update, noting several elements were under revision, including Future Land Use, Coastal Management, Housing, Transportation and Historic. He outlined the updates and new policies necessary for each element under revision, as delineated in the agenda material.

Councilmember Carey inquired as to guarantees that residents would live in the downtown fulltime if the right size units were constructed.

Mr. Austin replied there was no guarantee, opining whatever was constructed would generally follow the residency and tenancy patterns which currently existed. He stated a significant portion of the population was seasonal; however, the percentage of fulltime residents increased for properties not located on a waterfront.

Councilmember Cummings stated historically the City had hundreds of residential units in the downtown, which allowed businesses to be patronized on a daily basis by people who lived within walking distance. He stated half of the population was lost every eight years due to a lack of adequate housing options.

Mr. Austin acknowledged attracting fulltime residents was an important discussion and raised critical issues that were a challenge for many communities. He then continued outlining the updates and new policies for elements under revision. He reviewed the Proposed Future Land Use Categories, including mixed use, residential and general. He provided a detailed discussion regarding historic and traditional density, noting the initial Plan draft included the establishment of new mixed use land use categories and overlays which were designed to ensure that development had residential densities

that were calibrated with traditional residential patterns currently found within the City. He summarized the new categories and overlay districts would permit an array of commercial, industrial and institutional uses in targeted areas consistent with the vision embodied within Plan Punta Gorda – 2019 Citywide Master Plan and historic patterns of development. He opined there was limited value in retaining the waterfront overlay as a regulatory tool as most of the land was public and there were limited development/redevelopment sites.

Mayor Prafke questioned how density related to building height, adding residents did not want to agree to density that could only be achieved by having extremely tall buildings.

Mr. Austin replied the numbers to be proposed must be reasonable and achievable in building heights that were currently existing. He explained the scale of units being constructed had changed, adding land costs had resulted in developments that maximized space in order to recapture the costs through higher purchase prices.

Mayor Prafke voiced concern 32 units/acre in the downtown created issues with parking.

Councilmember Cummings stated the proposed density would allow the City to remain within the same architectural scale but allow for more density which then allowed housing to be more affordable.

Councilmember Carey recalled Dover Kohl & Partners (DKP) indicated commercial development was needed but staff was now saying City Marketplace should be filled with residences, questioning how to rationalize the need to have 30 units per acre of residences while at the same time decrease the number of residences to increase the commercial tax base.

Councilmember Cummings stressed historically heights in the downtown were 100 feet, adding five or six stories would return us to a financially viable City. He asserted the only way to retain lower building height was to increase density. He stated mixed use development was needed, adding the only way to support the additional commercial development that was needed was to have residents living downtown.

Councilmember Matthews opined it was necessary to solidify the height issue.

Councilmember Miller stated it was necessary to understand how increased density affected parking and building height.

Discussion ensued regarding the configuration of the Sunloft Center, Oaks on Henry and Schoolhouse Square, with Mr. Austin noting parking must be carefully considered during planning and creation of zoning codes. He stated parking was not addressed in the Comprehensive Plan; however, it might be possible to incorporate some type of

intensity or maximum building heights into the mixed use categories, voicing concern regarding tying the policy makers hands with a document that was difficult to change.

Councilmember Carey inquired how retail on the first floor applied to density per unit.

Mr. Austin responded it was possible to devise a formula to reduce the residential capacity by some percentage based on the amount of commercial usage, suggesting those entitlements could be stacked so that a developer could make the math work. He stated commercial rents were higher than residential on a per square foot basis; thus, a developer would want to maximize commercial if it was allowed and if the market was there to support it.

Councilmember Miller inquired how many units were needed per acre, questioning how making that decision today impacted DKP's process and Council's concern about height. He asked whether it was possible to build 25 to 30 units per acre downtown and also provide parking while staying within what we seem to think is our height limit right now.

Mr. Austin replied based on analysis of actual development patterns in the City, it was possible. He stated to achieve those residential densities and maintain the character of the community as it existed this date, the City's LDRs must be clear on patterns of development to preclude developers from constructing 500-foot-tall buildings.

City Attorney Levin advised the adopted LDRs must be consistent with the Comprehensive Plan (CP), stressing certain landowners' rights were provided by the CP; thus, a developer could not be denied the right to develop to the specified units per acre. He stated the CP set the density while the LDRs implemented the CP, concluding the LDRs should not frustrate the implementation of the CP.

Mayor Prafke inquired what staff needed from City Council.

Mr. Austin replied staff was seeking direction as to whether the proposed numbers were reasonable as a starting point for the rough draft which would be presented to City Council within 30 to 60 days, adding nothing would be final without City Council and the Department of Economic Opportunity approval.

Councilmember Miller inquired if Mr. Austin was recommending the ranges presented and whether DKP was suggesting it would work.

Mr. Austin replied he was recommending the upper end of the ranges be for consideration based on analysis he and the consultants had done on the existing development pattern.

Mayor Prafke voiced concern regarding the upper limits, reiterating if every bit of space was needed to achieve the density, it caused an issue with parking.

Mr. Austin clarified all examples he had presented included on-site parking which met the requirements of the Code.

Councilmember Carey inquired if 35 units per acre for downtown included an allowance for retail space and parking for both retail and residences.

Mr. Austin replied affirmatively.

Councilmember Carey stated if a developer wanted to put retail and parking on the first floor and wanted to get 35 units per acre, the only way to get the number of units was to go up.

Mr. Austin agreed.

Councilmember Matthews opined the number for the downtown was high and might need to be tweaked.

Mayor Profke inquired whether the proposed numbers were sufficient to start the conversation and was there some other data that had to be pulled together in the meantime that would provide more detail for consideration.

Mr. Austin stated in the next presentation City Council would have all the data and analysis.

Councilmember Matthews stated she would like to see a picture of the full City marketplace property with a building on it that had 35 units per acre.

Mayor Profke inquired whether there was a desire to remove the waterfront overlay. Consensus was to retain same.

NOTE: A short break was called at 11:35 a.m.

NEW BUSINESS

Historic District Parking Plan

Ms. Solano stated there was an overnight on-street parking issue in the Historic District, adding unknown vehicles were being parked in front of residences which was causing concern. She reported staff held numerous internal and external stakeholder meetings and conducted research which included solutions used in other jurisdictions. She stated staff recommendations included three permit categories, including residential, temporary and boater, as delineated in the agenda material, noting a parking pass application would be required and enforcement would be complaint driven. She stated implementation concepts consisted of both a virtual and a physical parking pass system. She briefly reviewed the local residents' alternative concept which included a dinghy dock permit only and overnight parking restrictions for RVs and trailers which were similar to the Special Residential Overlay restrictions, concluding with a display of the project timeline.

Councilmember Matthews stated there were live-aboards who did not need to park overnight but might want to park a car landside as they came ashore from time to time, questioning how to accommodate same.

Mr. Austin stated the concern of residents was long term and overnight parking or otherwise storing vehicles in the neighborhood on the street. He stated if a person did not need to park between 1 am and 5 am, there would be no issue.

Councilmember Matthews questioned how many cars were involved.

Ms. Solona estimated there were four or five cars.

Councilmember Cummings stated representatives at Fishermen's Village indicated they were amenable to allowing individuals to rent a parking space.

Councilmember Matthews inquired as to use of the Bayfront property for parking. City Manager Kunik replied same would be possible, noting some parking spaces would be available if City Council pursued the Gilchrist Park Phase II improvements.

Councilmember Matthews inquired who would bear the cost of the permit program.

Councilmember Cummings opined the City should be responsible for the cost.

Mayor Prafke questioned the cost of a virtual system, adding the program should be easy to administer. She stated she had no objection to a guest pass sticker which residents would purchase and keep at their house for guests to use.

Mr. Austin stated the virtual programs involved third-party software service providers, noting annual subscription costs were as low as \$2,500 annually. He opined a virtual permit process could possibly reduce the amount of staff time involved in the manual process currently used for SRO permits.

City Attorney Levin opined a physical pass would be a deterrent and would limit the amount of signage needed.

Police Chief Davis expressed a preference for a physical pass.

Councilmember Matthews **MOVED** approval for staff to draft an ordinance based on the outline and recommendations presented, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Presentation and discussion regarding Utility Rate and Impact Fee Study

Ms. Simeone recalled when the last rate study was done in 2015, three rate increases were recommended; however, the third increase was not implemented as it was not needed at the time. She stated the Utility Department's Capital Improvement Program (CIP) included the Waste Water Treatment Plant, adding Stantec was asked to perform a revenue sufficiency analysis and to evaluate the rate structure as well as the wholesale bulk rate and impact fees.

Mr. Jeff Dykstra, Managing Consultant, Stantec, presented the results of the Utility Rate Study, as delineated in the agenda material, which included development of a multi-year financial management plan to ensure rates were sufficient, evaluation of existing rate structure and an update of impact fees and miscellaneous fees. He advised rate indexing was required to meet cost requirements. He stated a 3.75% annual index would result in a \$2.90 per month increase for the typical customer, recommending same become effective January 1, 2021 and on October 1st of each fiscal year thereafter. He stated the current rate structure was in line with local and best practices; however, impact fees and miscellaneous fees and charges should be updated. He then reviewed key data and assumptions and financial plan requirements as well as scenarios with and without a rate increase. He explained a key component to the study was how the septic to sewer project was introduced into the financial plan and the impacts of same on the utility. He displayed a financial model which overlaid septic to sewer with the recommended rate plan, noting either way, 3.75% remained the recommendation. He stated the main difference was the additional debt of \$12 million for S2S Area 2. He displayed a residential monthly bill comparison for 7k gallons, stating the City's rates were favorable compared to other communities included in the survey. He briefly reviewed impact fees, noting same had been updated to reflect current replacement costs. He explained water decreased from \$2,646 to \$1,497 and sewer increased from \$2,677 to \$2,760, noting same should be reviewed every 3 to 5 years. He summarized the current rate structure conformed with industry practices but the level of rates would not generate sufficient revenues, suggesting the City adopt the plan of annual rate indexing to be evaluated annually to account for changes in customers, capital costs and timing as well as economic conditions.

Councilmember Matthews questioned how much of the 3.75% increase would be allocated to water versus sewer.

Mr. Dykstra replied both water and sewer would be increased by 3.75% per year.

Mayor Profke opined it would be better understood by residents if the actual costs were shown rather than an average.

Mr. Dykstra stated the WWTP expansion debt was one component; however, the assumptions included annual inflationary cost increases to operation and maintenance expenses that were also applied to the water utility. He stated it was operated as a combined utility so from any given point in time you may have one system with slightly more revenues than expenditures for a period but in totality you are looking at a ten year forecast where the overall revenues for the utility need to be met.

City Manager Kunik stated if there was no WWTP expansion or water capital projects, there would not be a 3.75% increase.

Mr. Andy Burnham, Vice President, provided a brief historical review of rates, concluding the City's mindset had been consistent in that utility rates were adjusted in step when the full ongoing cost distribution increased.

Councilmember Matthews inquired if there were opportunities for grant funding for any of the water projects.

Ms. Simeone replied staff would continue to seek out opportunities for funding, including SRF loans.

Councilmember Cummings stated if the City could tie economic development or resiliency to the project, economic development administration offered grant opportunities.

Mayor Profke noted water quality was also an important topic with the legislature although little funding was available this year.

Mr. Burnham stated the rate study involved a ten-year forecast period, reiterating the recommendation to review the rates annually for substantial changes in costs and grant funding availability as they could vary greatly from year to year.

Councilmember Matthews **MOVED** approval of acceptance of the first increase of 3.75% on January 1, 2021 and implementation of the utility rate and impact fee recommended fee structure, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Septic to Sewer Implementation Plan

City Manager Kunik presented the Septic to Sewer (STS) Implementation Plan, as delineated in the agenda material, noting staff desired to make a presentation to the Charlotte County Commission in September 2020. He stated the objectives were to develop an implementation plan to provide a wastewater collection and treatment system to Charlotte Park and complete Priority Area 1 (North Aquí Esta Waterway Improvement District) within a three-year period. He briefly reviewed actions completed since June 2018 and then reviewed the detailed tentative schedule of events that would take place from August 2020 through November 2022, pointing out same was a long and complicated process. He stated the goal was to implement the plan in time to include the assessment on the November 2022 tax bill.

Councilmember Miller inquired if it was possible the County Commission could be amenable to the plan at this time but later change their minds.

City Manager Kunik responded the current County Commission had not wavered on their intent to move forward with septic to sewer.

Councilmember Miller stated the first phase was Area 1, inquiring if it was possible to realize any cost savings by eliminating duplication of effort with future areas.

City Manager Kunik replied affirmatively, clarifying the engineering firm would be designing all of Charlotte Park but concentrating first on Area 1.

Councilmember Matthews stated the cost to the City for the transmission line was \$10 million, questioning how the City would recoup those funds. She voiced concern the City's utility fund was subsidizing a transmission line for non-residents, inquiring as to grant funding.

City Manager Kunik responded transmission was paid for in large part by impact fees when property owners hooked up to the system and became customers, adding it was also funded by rates of the water and sewer system in totality. He pointed out transmission lines served the system as a whole, adding the City would garner additional revenues once these new City utility customers were part of the system; however, the City would apply for grants. He concluded staff would advise City Council of the date of the County presentation.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

No comment.

CITY ATTORNEY

No comment.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals (Alternate)

Building Board – Alternate

City Clerk Smith announced the vacancies.

Nominations

Board of Zoning Appeals (2)

Councilmember Matthews **MOVED** to nominate and appoint Messrs. Michele (Mike) Merolla and Frank LePore, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

PRAFKE: Noted the next City Council meetings were scheduled for September 9, 2020 and September 23, 2020, noting Budget Public Hearings would be held at 5:01 p.m. in Council Chambers on those same dates.

CUMMINGS: No comment.

MATTHEWS: No comment.

MILLER: No comment.

CAREY: No comment.

CITIZENS COMMENTS

None.

The meeting was adjourned at 1:16 p.m.

Mayor

City Clerk