

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, OCTOBER 7, 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 Murray; 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.

Mr. Jason Ciaschini introduced Officer Fernando Burga and Canine Sadie, who had been certified in narcotics and tracking by the United States Police Canine Association.

City Manager Murray read the following comments received via email into the record:

Ms. Roberta Gapin wrote in favor of extending the mask ordinance to the end of the year; Mr. Tom Cavanaugh commented the Southwest Florida Resiliency Compact emphasized resiliency over mitigation; Ms. Sheri Lenora opposed boat covers in the Punta Gorda Isles canal system and requested noise regulations limiting the hours of construction; Mr. Jim Lawson and Ms. Sue Reeves wrote in favor of restricting the timeframe for lot mowing and addressing construction workers' discourteous behavior; Ms. Bonnie Chalifoux opined noise regulations would limit the impact of music in the downtown on surrounding neighborhoods; Mr. Bob Fritz expressed concern regarding a change to the definition of "navigable channel" due to potential impacts on mangroves and four-post boat lifts, writing in favor of requiring a special purpose survey for all construction in the Burnt Store Isles (BSI) perimeter canal; Mr. Wright requested the section on boat covers within the proposed ordinance (GA-08-2020) be removed; Ms. Mary Jo Miragliuolo requested City Council allow the construction of 211 parking spaces for Gilchrist Park; Mr. James Round requested Council refrain from paving the greenspace in Gilchrist Park; Mr. Jerry Riseley suggested discretion when expending funds, particularly on Gilchrist Park; Ms. Sandy Brandt objected to expending funds on parking for Gilchrist Park; M. Joan Jainor commented parking was not adequate.

**Mayor Prafke** called for public comments from the audience.

Ms. Nicole Iadevaia, Coastal and Heartland National Estuary Partnership, requested City Council support development of the Southwest Florida Regional Resiliency Compact.

Ms. Patti Allen requested City Council reconsider construction of parking at Gilchrist Park at the cost of greenspace.

Mr. Jim Lawson expressed concern regarding noise from the lot mowing program contractors and construction trucks as well as damage done to properties by construction vehicles.

Ms. Sue Reeves thanked City sanitation crews for extra effort in picking up refuse, suggesting the Naples Code of Ordinances as a reference in relation to noise.

Mr. John Burn, Punta Gorda Boat Club, noted the Punta Gorda Boat Club had lost 80 to 90 informal parking spaces when the Harborwalk was constructed, speaking in favor of Harborwalk Area II Phase B's Parking Options 1 or 6.

### **PROCLAMATION/PRESENTATIONS**

#### **Introduction of Board/Committee Member Nominees**

None.

**NOTE: City Council recessed and reconvened as the Community Redevelopment Agency (CRA) (see corresponding minutes).**

### **ORDINANCE/RESOLUTION**

**(No Public Hearing Required)**

**GA- 08- 2020 An Ordinance of the City of Punta Gorda, Florida, amending Chapter 6 of the Punta Gorda Code, relating to the use of waterways, operation of vessels, construction within waterways, seawalls and canal maintenance; rewriting and reorganizing substantial portions thereof; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

Ms. Macalle Finkle, Paralegal, stated the proposed ordinance had been amended according to the comments made by City Council after first reading on September 23, 2020.

**Councilmember Matthews** stated according to the November 6, 2019, City Council minutes, Council had not expressed support for mooring cover assist systems, noting City Council had requested presentations be made to the Punta Gorda Isles Civic Association's and Burnt Store Isles Association's boards; however, same had not been done. She expressed support for the ordinance except for the provisions allowing mooring cover assist systems, suggesting the provisions beginning on Line 888 of Exhibit A be considered separately in the future.

**Councilmember Cummings** opined the systems were a reasonable accommodation for members of the community who required assistance covering their boat.

**Councilmember Matthews** stated many people were not in favor of the assist systems, opining same should not be allowed until there was a way to monitor them through Code Enforcement.

**Mayor Prafke** stated it was not possible to monitor the waterside of properties; therefore, it was inappropriate to single out regulations for mooring cover assist systems as being unenforceable. She noted the Burnt Stores Isles and Punta Gorda Isles Canal Advisory Committees had studied the systems and recommended approval. She pointed out mooring covers were already permitted.

**Councilmember Miller** agreed, noting the only additional component proposed was a system to assist with covering boats. He stated same would not exceed the height of the lift and were for small boats rather than larger ones. He opined the discussions to date were sufficient in this case.

**Councilmember Cummings** opined members needed to consider the larger implications to the City and its residents as well as research and expert advice, reiterating the community needed the assist systems, particularly given the age of the population.

**Councilmember Matthews** reiterated her opposition as research had not been performed as requested at the November 6, 2019, City Council meeting, stating specific criteria for permitting the assist systems should be developed prior to allowing same.

Ms. Finkle explained the language was developed based on the feedback staff received, noting only a system which rolled back and forth and could remain below the level of the seawall would be allowed. She advised the City could not narrow the regulations so that only a specific provider's product would be permitted.

**Councilmember Carey** confirmed the assist systems would require a permit and covers and assist systems in a state of disrepair could be addressed through code enforcement.

**Mayor Prafke** noted some municipalities allowed code enforcement officers to enter a property to examine the property's waterside, stating such enforcement was an important issue.

**Councilmember Matthews** stated she was not in favor of allowing the assist systems until their associated regulations could be enforced.

**Councilmember Miller** reiterated the covers would be no different than those already allowed.

**Mayor Prafke** spoke in favor of including discussion of waterside code enforcement on a future agenda.

Councilmember Cummings **MOVED** approval of GA-08-2020, **SECONDED** by Councilmember Miller.

**VOTING AYE:** Cummings, Miller, Prafke.

**VOTING NAY:** Carey, Matthews.

**MOTION CARRIED.**

City Attorney Levin noted the Punta Gorda Code provisions related to docks, mooring and vessels were enforced, noting when neighbors notified City staff of violations, those issues were addressed.

**A Resolution of the City Council of the City of Punta Gorda, Florida, recertifying the City's Title VI/Non-Discrimination Policy and Plan due to a change in Executive Leadership; authorizing execution and implementation of the Policy and Plan; and providing an effective date.**

City Attorney Levin read the resolution by title.

Ms. Julie Ryan, Urban Design, explained the City was required to maintain a Non-discrimination Policy and Plan, noting same required amendment and recertification as City Manager Murray was the City's new Chief Executive Officer.

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

**MOTION CARRIED UNANIMOUSLY.**

#### **CONSENT AGENDA**

**Mayor Prafke** confirmed staff wishes to pull Item C.1. for discussion.

**Councilmember Matthews** requested the September 23, 2020 minutes be amended with regard to the mooring cover assist systems.

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

**MOTION CARRIED UNANIMOUSLY.**

**ITEM C.1.:** Ms. Anne Heinen, Procurement Manager, provided an overview of the agreement with Waste Management Inc. of Florida (Waste Management) and the terms for renewal, noting a renewal price increase of \$.58 was approved during the budget process. She stated staff had been negotiating with Waste Management and agreed on a five year renewal period with fixed adjustments, adding the City could cancel the agreement if an increase was not acceptable, and Waste Management had requested a clause allowing them to cancel if a mutually agreed upon rate increase could not be achieved. She stated after further consideration staff had continued negotiations and it was agreed that Article 7 should be amended to allow the City additional time to negotiate pricing in future years, noting 120 days' notice was agreed upon, likewise

the contractor had the right to cancel the contract within a minimum of 90 days' notice should a pricing agreement not be reached.

**Councilmember Matthews** suggested the contractor be required to provide 120 days' notice prior to the end of a fiscal year in order to allow the City ample time to go through the bid process. She expressed concern regarding how the City would cover a budget deficit if the City had to change contractors mid-fiscal year.

Ms. Kristin Simeone, Finance Director, replied the City's rates could be adjusted mid-year through an ordinance amendment as an alternative to utilizing reserves.

City Manager Murray noted the 120-day notice would give the City more latitude if it became necessary to change contractors and potentially increase rates in the upcoming fiscal years' budget cycle, adding same would need to be negotiated with Waste Management.

Ms. Stephanie Kissinger, Waste Management, stated she understood the reasoning for 120-days' notice, indicating she would discuss the requested amendment to C-5(d) to Waste Management's legal staff.

**Councilmember Matthews** concluded the change would put both parties on equal footing.

Consensus of Council was to bring back the contract for Council's consideration at the October 21, 2020, meeting.

- A. City Clerk's Office
  - 1. Approval of Minutes: Regular Meeting of September 23, 2020
- B. Legal Department
  - 1. Monthly Litigation Report
  - 2. Invoices of Allen, Norton & Blue, P.A. for legal services rendered in August and September 2020
  - 3. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through September 30, 2020
  - 4. Invoices of Persson & Cohen, P.A. for legal services rendered in September 2020
- C. Finance Department
  - 1. Approval of Amendment #1 to Agreement R2014104/SVC-RECYCLING/1516 with Waste Management Inc. of Florida
- D. Urban Design
  - 1. Approval of Good Shepherd Day School Fence Permit
- E. Police Department
  - 1. A Resolution of the City of Punta Gorda, Florida, approving Memorandums of Understanding between the Punta Gorda Police Department and the Windemere

Police Department and the Center for Law Enforcement Technology, Training & Research, Inc. for participation in the National Data Exchange (N-DEX) and the Florida Integrated Network for Data Exchange and Retrieval (FINDER); authorizing the Chief of Police to execute the Memorandums on behalf of the City; providing for severability; and providing an effective date.

**NOTE: Council took a brief break at 10:28 a.m.**

**NOTE: The Southwest Florida Resiliency Compact was heard following the Consent Agenda.**

### **BUDGET**

#### **Appropriation of funds for FY 2021 grant awards from Charlotte County Marine Advisory Committee (MAC) under the Boater Revolving Fund Grant Program to fund the Police Department's Enhanced Law Enforcement Activities Program.**

Ms. Kristin Simeone, Finance Director, explained the appropriations related to the two grant agreements would provide \$11,320 in funding for marine law enforcement activities and overtime to include Boating Under the Influence details, vessel inspections and mullet fishing enforcement details and \$31,680 in funding for removal of derelict vessels from City waterways.

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

**MOTION CARRIED UNANIMOUSLY.**

#### **Approval to continue blanket single source with Superior, LLC "Superion" a wholly owned subsidiary of Central Square Technologies, LLC (formerly known as Sungard Public Sector) for the Purchase of Integrated Software Products, Maintenance and Support.**

Ms. Julie Rogan-Sutter, Procurement, briefly reviewed the history of the City's blanket single source contract with Superior for purchase, maintenance and support of integrated, proprietary software dating to September 2012, then requesting approval to continue the contract and to pay Fiscal Year 2020/2021's invoices for the referenced applications as they expired or became due, with future tasks including a business analysis (\$17,500), further upgrades (\$34,000) and a contingency (\$20,000), for a total estimated cost of \$396,560.

**Councilmember Matthews** questioned if all funds were included in the FY 2020/2021 budget.

Ms. Simeone replied most were, explaining some items would use reappropriations from FY 2019/2020 funds.

**Councilmember Matthews** inquired as to the period of the contract and the potential to engage another provider.

Ms. Simeone replied the contract was annual and costs to set up a new City-wide system could be as much as \$1 million.

Mr. Brad Schuette, Information Technology Manager, stated costs had increased over time as service modules were added, noting there was only a 5% annual increase according to the contract's terms. He stated other companies had been examined; however, staff continued to favor Central Square at this time.

**Mayor Prafke** questioned if this software helped deliver better services to the community.

Mr. Schuette replied all online services were run through this software.

**Councilmember Miller** questioned if staff was confident this company remained competitive.

Mr. Schuette replied in the affirmative, noting Sungard had merged with other companies, including Central Square, in order to remain leading edge.

Councilmember Matthews **MOVED** approval of the continuation of the blanket single source with Superior, **SECONDED** by Councilmember Miller.

**MOTION CARRIED UNANIMOUSLY.**

#### **UNFINISHED BUSINESS**

##### **Gilchrist Park/Harborwalk Phase II Parking and Remaining Improvements**

Mr. Mitchell Austin, Chief Planner, displayed a PowerPoint presentation, as delineated in the agenda material, depicting Area II Phase B parking options for the Harborwalk at Gilchrist Park. He indicated the majority of costs (approximately \$1.3 million) related to parking. He noted the anticipated unfunded gap was \$950,000, stating sales tax funds, the general fund or parking impact fees could be utilized, or the design could be amended to reduce costs. He confirmed improvements to drainage were likely but were not a driving factor in the drainage design. He noted other improvements included landscaping and a walkway.

**Councilmember Matthews** inquired if the City had already paid for engineering costs.

Mr. Austin replied in the affirmative, pointing out there would be additional engineering costs if a new parking design were selected.

**Councilmember Carey** inquired as to how costs had changed since 2018.

Mr. Austin expressed uncertainty regarding same.

City Manager Murray stated a better estimate would be provided to City Council once additional information was obtained from members of the Charlotte-DeSoto Building

Industry Association, estimating the cost increase was likely in the range of 10% to 15%.

**Councilmember Carey** requested updated cost estimates.

**Mayor Prafke** suggested City Council decide what the project should be and then proceed.

**Councilmember Matthews** inquired as to the amount of unspent 1% Local Option Sales Tax funds.

City Manager Murray noted unspent Sales Tax funds had been allocated to projects in the upcoming program.

Ms. Simeone concurred with City Manager Murray, indicating \$1,045,000 was projected to remain from the current Sales Tax program.

Mr. Austin noted the existing 126 spaces was less than the amount of parking available prior to construction of the Harborwalk as parking on the grass was now prohibited. He reviewed the layout of existing and proposed parking, noting on-street parking was more costly due to the use of pavers and required drainage improvements. He noted completing the remainder of the project as designed would cost approximately \$956,737, then detailing the following options: Option 1 - build as designed (201 spaces total; net 75 spaces; no cost reduction); Option 2 - eliminate 37 on-street spaces (164 spaces total; net 38 spaces; \$359,626 cost reduction); Option 3 - eliminate 56 lot spaces (145 spaces total; net 19 spaces; \$295,848 cost reduction); Option 4 - eliminate 46 lot spaces (155 spaces total; net 29 spaces; \$243,039 cost reduction); Option 5 - eliminate 27 lot spaces (174 spaces total; net 48 spaces; \$142,641 cost reduction); Option 6 - eliminate 29 lot spaces (172 spaces total; net 46 spaces; \$132,075 cost reduction), noting this option concentrated parking around the Bayfront Center and the Punta Gorda Boat Club where there was a demand for parking.

**Councilmember Carey** questioned if on-street playground parking would be as safe as a parking lot.

Mr. Austin replied the current parking lot was not efficient, stating the minimum parking lot spaces proposed was 14; however, additional spaces could be constructed if City Council desired. He noted on-street parking tended to have a traffic-calming effect, noting spaces could be configured so that cars backed in and then pulled forward onto the street.

City Attorney Levin advised from a legal perspective, a parking lot would be safer.

Mr. Austin concluded all cost estimates dated to 2018, adding Options 2 through 6 might require engineering modifications which would result in higher design costs, permit modifications and construction delays.



**Councilmember Cummings** expressed favor for options which preserved more green space.

**Mayor Prafke** agreed. She questioned if the speed limit on West Retta Esplanade should be lowered once the project was completed. She noted many residents had commented positively on Option 3, with some expressing desire for a connection between the Bayfront parking lot and the parking near Berry Street.

**Councilmember Matthews** stated City Council had committed to providing a certain number of spaces for the Punta Gorda Boat Club, noting amenities such as the basketball, tennis and pickleball courts necessitated additional parking. She noted many green spaces were already used for informal parking, opining it would be more cost effective to construct a lot. She expressed favor for Option 1.

**Councilmember Cummings** expressed favor for Option 6, anticipating walking from parking spaces would not be a problem.

**Councilmember Carey** indicated she was amenable to removing the diagonal on-street parking denoted as D-4, D-5 and D-1.

**Mayor Prafke** pointed out constructing on-street parking would help address drainage problems in the area.

**Mayor Prafke** inquired as to how informal parking in the grass could be discouraged. Mr. Austin replied strategic placement of the swales could discourage same.

**Councilmember Carey** inquired as to the cost to remove the Royal Palms.

Mr. Austin replied those costs were included in the estimated demolition costs, noting the trees would be replaced.

**Councilmember Matthews** inquired as to Option 2 with the addition of on-street parking denoted as D-1.

**Mayor Prafke** expressed opposition to constructing the parking lot in Option 2, speaking in favor of retaining greenspace near the Bayfront Activity Center.

**Councilmember Miller** suggested retaining that greenspace within Lot 2 as in Option 6 and retaining on-street parking denoted as D-1, D-2 and D-3.

**Councilmember Carey** opined same was a compromise.

**Mayor Prafke** and **Councilmember Matthews** spoke against Options 3 and 4. Mr. Austin summarized City Council had described taking Option 6 and eliminating the two westernmost on-street parking areas. He explained the net parking space increase would be 29 spaces, with 48 of the existing spaces being informal parking on grass.

**Councilmember Miller** reiterated the greenspace near the Bayfront Activity Center could be used as parking.

**Mayor Prafke** explained City Council had chosen not to allow parking on the grass. She then expressed comfort with this proposal.

**Councilmember Carey** stated she also felt this was an acceptable compromise as the green space was maintained and parking concentrated in highly utilized areas.

Councilmember Cummings **MOVED** approval of the modified Option 6a as displayed, which removed on-street parking denoted as D-4 and D-5 from Option 6, **SECONDED** by Councilmember Miller.

**Councilmember Matthews** objected to the net increase in parking spaces. She questioned why D-4 and D-5 parking had been removed.

**Councilmember Carey** stated she had suggested removal of D-4 and D-5 to minimize on-street parking, expressing concern same was not as safe or as cost-effective.

**Mayor Prafke** called the question.

**VOTING AYE:** Carey, Cummings, Miller, Prafke.

**VOTING NAY:** Matthews.

**MOTION CARRIED.**

#### **Cooper Street Multi- Use Recreational Trail (MURT) Design and Construction**

Mr. Austin explained the City had received 30% conceptual design plans for the Cooper Street Multi-Use Recreational Trail (MURT). He noted City Council had allocated \$991,000 in Tier 2 Local Sales Tax funds for construction of the project, questioning whether completion of the design should proceed as funding might not be available for several years. He indicated \$61,000 had been expended to date and \$135,000 remained for design of the project.

**Councilmember Miller** questioned if there would be any penalties if design were halted.

Mr. Austin replied there would not be a loss provided the project was completed while the Master Services Agreement was in place. He noted FDOT had inquired as to the project and might be interested in assisting with funding in the future.

Councilmember Carey **MOVED** to stop the funding for the Cooper Street MURT, **SECONDED** by Councilmember Cummings.

**MOTION CARRIED UNANIMOUSLY.**

**NOTE: A short break was called at 12:55 p.m.**

#### **NEW BUSINESS**

#### **Residential Noise Regulation**

**Councilmember Carey** questioned how to resolve the issue of noise complaints regarding the City's mowing contractors and construction workers as well as damage caused to properties by the mowers and construction activities.

**Mayor Prafke** clarified this discussion was limited to noise from construction and City contract mowers rather than music from the downtown.

Mr. John Smith, Building Division, explained contractors desired to start work early in order to finish early in order to avoid the heat. He opined the majority of residents would not be served well by further restricting the hours contractors could work, conjecturing prices might increase.

**Councilmember Miller** questioned if the hours contractors were permitted to work in the current ordinance were appropriate.

City Attorney Levin noted Punta Gorda Code permitted construction activities between 6:00 a.m. and 8:00 p.m. and lot mowing was permissible between 7:00 a.m. and 7:00 p.m.

**Mayor Prafke** questioned if City Council desired to limit how early lot mowing contractors could work on weekends.

**Councilmember Carey** questioned who should be called when contractors violated the ordinances outside of normal business hours.

Mr. Smith replied the Police Department should be contacted.

Mr. Jason Ciaschini, Police Department Support Services Commander, stated the Police Department occasionally received calls regarding contractors working outside the permitted hours and would continue to respond to such calls. He explained the Police Department sought voluntary compliance; however, code enforcement action would be pursued when individuals repeatedly violated Punta Gorda Code.

**Councilmember Matthews** questioned if the City's lot mowers could be requested not to mow on Sundays.

Ms. Lisa Hannon, Zoning Official, replied contractors could be asked not to mow on Sundays; however, same could create issues if rain occurred on the scheduled mow date.

City Manager Murray remarked it was important to remain cognizant of the potential impact on costs and citizen complaints related to tall grass if the City's lot mowing contractors were restricted from mowing on Sundays.

Mr. Smith suggested construction work hours could be amended to 7:00 a.m. to 6:00 p.m. with no work permitted on Sundays. He then noted there were three assisted living facility projects which would likely be granted approval to begin pouring concrete at 3:00 a.m. or 4:00 a.m.

**Councilmember Matthews** spoke in favor of requesting the City's lot mowing contractors to voluntarily comply with City Council's desire to avoid lot mowing on

Sunday if possible. She suggested builders be contacted regarding noise complaints and damage to properties.

Ms. Hannon stated the lot mowing contractors would be requested to avoid mowing on Sunday and to start no earlier than 8:00 a.m. or 9:00 a.m. if mowing was necessary.

Mr. Smith stated staff could meet with building contractors.

**Mayor Prafke** confirmed residents should reach out to the contractor if their property was damaged.

**NOTE: The Southwest Florida Regional Resiliency Compact was heard following the Consent Agenda.**

### **Southwest Florida Regional Resiliency Compact**

Ms. Joan LeBeau, Urban Design Manager, stated staff had attended the Planning for the Future Effects of Sea Level Rise Forum in 2018, noting the group continued to define a set of objectives and to develop a Southwest Florida regional compact consisting of Charlotte, Lee and Collier counties and their 10 incorporated cities. She recalled City Council had approved the draft Memorandum of Understanding (MOU) for the Compact on July 10, 2019, indicating the City was being requested to ratify same.

Mr. Michael Savarese, Florida Gulf Coast University, provided a presentation on the development and purpose of the Southwest Florida Regional Resiliency Compact (Compact). He noted storms were intensifying more quickly as oceans warmed and sea levels were expected to rise significantly over the next 100 years. He briefly reviewed Punta Gorda's context, which included socioeconomic diversity and limited resources in the face of the challenges the City needed to address, stating same justified creating an alliance. He explained regional climate compacts allowed for cooperation and efficiency, noting the State supported same. He noted efficacy improved when the degree of integration between communities increased, reviewing the Southeast Florida Regional Climate Change Compact's accomplishments. He stated benefits to the City included sharing knowledge and planning tools, a unified action plan, mutual support for adaption planning, coordination of compliance for the "peril of flood" mandate and a vehicle to apply for funding. He noted changes to the MOU were minimal. He stated the Compact would be advisory and the City could withdraw at any time. He noted a financial investment was not requested presently, explaining the Compact would approach grantors for funding for three years once 6 to 8 jurisdictions had ratified the MOU, reviewing the plan anticipated for the first three years of the Compact. He stated Charlotte County, Sanibel, Marco Island and Everglades City had ratified the Compact, with Bonita Springs, Estero, the City of Naples and Collier County considering same in the near future. He requested City Council ratify the MOU. He then explained the

purpose of the Compact was to act, concluding the Compact would ensure all governments in the region could access vulnerability tools.

**Mayor Prafke** voiced concern regarding creating another regional organization, noting the regional planning council already existed and was an organization looking for a purpose.

Mr. Savarese stated the Compact's steering committee members, particularly the counties' members, would not consider this effort if the Regional Planning Council was the facilitating body.

**Councilmember Matthews** inquired how the Compact would meet.

Mr. Savarese replied the steering committee would work with an operation consultant to develop a structure which the jurisdictions found agreeable, confirming both elected officials and staff from each municipality would be involved.

**Councilmember Matthews** suggested Ms. LeBeau and Councilmember Carey participate.

Mr. Savarese explained the Steering Committee would convene after November 4, 2020, to discuss the operationalization phase. He opined jurisdictions leading the effort to address climate change, such as the City, should be well represented as the next phase was entered.

**Councilmember Cummings** indicated hurricanes would be a potential point of intersection between the Compact and the Regional Planning Council.

**Councilmember Miller** stated he supported the Compact, questioning if members would be asked to provide a financial investment after the first three years.

Mr. Savarese responded if costs needed to be distributed between the jurisdictions, same would need to be based on demographics, noting only counties contributed funds in the Southeast Florida Regional Climate Change Compact.

**Councilmember Miller** inquired as to mitigation as mentioned in a citizen's comment.

Mr. Savarese replied climate scientists used mitigation to mean reducing the severity of future impacts, which meant carbon budgeting. He explained the language used in the Compact was intentionally chosen to avoid turning off jurisdictions, adding mitigation would be addressed, though same might occur later in the future. He stated the Compact would address certain aspects of water quality but not harmful algal blooms.

City Attorney Levin confirmed the June 23, 2020, draft was the most recent draft and was what would be ratified. He noted Section 9 indicated the City was not making a financial commitment to fund operation of the Compact; however, the materials presented gave a contradictory impression. He stated if City Council moved to ratify

the MOU, it should be clearly stated there would be no expectation of a financial responsibility beyond the second or third year of the Compact.

Mr. Savarese clarified there was no financial commitment now and never would be; however, the Compact might someday be forced to find another way to fund itself, at which time jurisdictions might consider whether they still supported the Compact.

Councilmember Carey **MOVED** to accept the Southwest Florida Regional Resiliency Compact Memorandum of Understanding with the understanding same was without a financial commitment, **SECONDED** by Councilmember Matthews.

**MOTION CARRIED UNANIMOUSLY.**

**NOTE: Budget Items were heard following the Southwest Florida Regional Resiliency Compact.**

#### **RECOMMENDATION FROM CITY OFFICERS**

##### **CITY MANAGER**

Thanked City Council for their support during his transition to the City Manager position.

##### **CITY ATTORNEY**

##### **City Attorney Action Register**

City Attorney Levin drew City Council's attention to the action register and litigation update, confirming there were no questions.

#### **BOARDS AND COMMITTEES**

##### **Announcement of Vacancies**

Charlotte County Marine Advisory Committee

General Employees' Pension Board

Board of Zoning Appeals Alternate (2)

Building Board - Alternate

Punta Gorda Isles Canal Advisory Committee

Utility Advisory Board

Deputy City Clerk Welch announced the vacancies.

##### **Appointments**

Code Enforcement Board

Voting forms were distributed.

City Attorney Levin announced Ms. Carol Perry had received the most votes and was thus appointed to the Committee.

#### **POLICY AND LEGISLATION**

**PRAFKE:** Indicated she and Councilmember Cummings would attend a Tourist Development Council meeting on October 9, 2020, noting she would attend the Florida

League of Cities' Utilities, Natural Resources and Public Works Committee meetings via Zoom.

**CUMMINGS:** None.

**MATTHEWS:** Stated the assisted living facility had reported the building permit had been approved by the City but construction was on hold until funding was secured, which should occur by January 2021. She indicated she would forward a video of progress on another project from the developer in Brandon, Florida.

- Stated FDOT approved changes to the highway signage for the Military Heritage Museum and the Vietnam Wall Memorial were anticipated to be complete by the end of October 2020.

- Noted the Carmalita Street intersection improvements were due for construction in 2024.

**CAREY:** None.

**MILLER:** Welcomed City Manager Murray.

#### **CITIZENS COMMENTS**

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

The meeting was adjourned at 1:40 p.m.

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Mayor

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City Clerk