

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JUNE 16, 2021, 9:00 A.M.**

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

**CITY EMPLOYEES PRESENT:** Kristin Simeone, Finance; Rick Keeney, Public Works; Charles Pavlos, Utilities; Jeff Payne, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Murray; City Clerk Smith

**Mayor Matthews** called the meeting to order at 9:00 a.m.

Invocation was given by Mr. Bill Frank, followed by the Pledge of Allegiance.

**Mayor Matthews** congratulated Councilmembers-elect Mark Kuharski and Melissa Lockhart.

Ms. Helen Gerow commented the subject property in PD-01-2021 was zoned for multi-family development, expressing preference for residential use of the property.

Mr. Bob Fritz voiced opposition to taxpayers paying for electricity to charge electric vehicles, opining FPL or the station user should pay.

Ms. Patti Allen, Fishermen's Village, requested City Council consider that as population grew, it was necessary for staff to grow to retain the excellent level of service.

**Introduction of Board/Committee Member Nominees**

Ms. Wendy Mueller introduced herself as a nominee for the Building Board.

**Mayor Matthews** requested to move up the presentations related to the US 41 Corridor Vision Plan and Termination of FDOT LAP Agreement for Airport Road to Carmalita Road after the public hearings.

Consensus was to do so.

**QUASI- JUDICIAL PUBLIC HEARINGS**

City Attorney Levin swore in the participants.

**PD- 01- 2021 An Ordinance of the City of Punta Gorda, Florida, amending Ordinance No. 1409- 05, as amended by Ordinance No. 1457- 06, relating to the rezoning of the properties at 33 and 55 Tamiami Trail and being further bounded and described in Exhibit "A" attached hereto, from City Center District (CCD) to Planned Unit Development/City Center (PUD/CC); to establish the interim uses of a Bar, restaurant, event venue, parking, and temporary storage use on the undeveloped portions of the property with conditions, until the construction of the proposed multi- family residential building; providing for conflict and severability; and providing an effective date.**

**FIRST READING**

City Attorney Levin read the ordinance by title only.

Ms. Lisa Hannon, Zoning Official, provided a detailed review of the amendment request, as delineated in the agenda material, entering the staff report into the record by reference. She provided background information on the history of the Harbor Resort & Yacht Club, LLC, (the Resort) noting the current request was to allow the Resort to continue the interim use of the Tiki Bar along with its associated structures and amenities. She explained the Tiki Bar had been permitted under a set of Temporary Use Permits (TU) since 2011, summarizing the timeline of the amendment and extension requests for same. She indicated the Tiki Bar housed numerous public, private and fundraising events which benefitted the community, adding approval of the request would allow continued use of the site as well as clarification and streamlining of the process so that the applicant no longer needed to return for additional TUs. She stated conditions of approval were: existing landscaping to remain and be maintained for the duration of the interim use; new structures authorized as interim use required permits prior to construction and setbacks must be maintained; future expansions of restrooms, restaurant and/or entertainment venues required a letter from the Utilities Department regarding the availability of capacity; storage capacity for solid waste must be adequate and retain a sufficient collection schedule; temporary structures must be removed upon order of the Building Official due to inclement weather events such as a hurricane. She concluded staff and the Planning Commission recommended approval of the amendment request based upon the stated conditions in the staff report.

**Mayor Matthews** inquired as to a time limit.

City Attorney Levin replied the City had the ability to impose a time limit on the proposed use and the Code allowed the City to require certain performance guarantees.

Ms. Geri Waksler, applicant's representative, noting the request was a major modification to an existing planned development (PD), noting the condominium portion had not yet been built. She stated in the interim the property had been leased by the hotel which had been operating the Tiki Bar as an amenity for hotel guests and the community at large. She stated the proposed modification would simply add the Tiki Bar and its complimentary uses including, but not limited to the volleyball courts, restrooms, storage facilities, parking and the grass event lawn with the stage as permitted interim uses in the PD. She stated when the condominium with the required first floor restaurant was constructed, the Resort hoped to move the Tiki Bar to an over water location operated by the required restaurant; however, same would require extensive permitting. She stated for the foreseeable future the Harbor Resort & Yacht Club would continue to host, and the hotel would continue to operate, the Tiki Bar as

is, except it would be an approved interim use in the PD rather than a temporary use. She stated the applicant accepted all staff's requested conditions, and asked that City Council approve the major modification of the PD. She concluded the condominium would be constructed when the economic situation was favorable for same.

Ms. Beverly Kovac voiced concern the Planning Commission had ignored complaints expressed by several Charlevoi residents regarding the operation of the Tiki Bar. She explained patrons looking for the Tiki Bar drove through the Charlevoi parking lot and parked in visitor parking spaces, and when told not to park there, there was cursing and items thrown at residents' windows, urinating in flower beds and in elevators, defecating in car ports and people wandering through walkways. She expressed concern regarding the safety of Charlevoi residents.

Mr. Richard Klosky voiced concern regarding expansion of the Tiki Bar having a negative affect on the Charlevoi residents, noting things had gotten out of control. He voiced concern there was no access to the Tiki Bar other than through the hotel, pointing out nobody was using that route. He opined the activity would reduce the value of the property, requesting no expansion be permitted.

Ms. Gerow requested a sidewalk be installed to provide access to the Tiki Bar.

Mr. Bill Dryburgh agreed with the idea of a sidewalk to provide access to the Tiki Bar.

Ms. Waksler stated the developers and the General Manager of the Four Points Hotel met regularly with the Charlevoi Board, noting they met with them again following the Planning Commission meeting. She stated the developer was willing to do what was necessary to limit impacts on the condominium and had installed a fence along the back of the property to prevent people from accessing the Tiki Bar through the parking lot. She stated the Charlevoi was supposed to install a gate at the entrance to their parking lot as part of the agreement; however, they had not done so. She acknowledged parking and pedestrian access was confusing, adding a meeting had been scheduled with City staff to discuss directional signage. She stated they would continue to actively address issues with the Charlevoi to find a way to live together in harmony and peace.

**Mayor Matthews** called three times for public comment.

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

**MOTION UNANIMOUSLY CARRIED.**

**Councilmember Prafke** congratulated the developer on being creative with the property. She stated the Charlevoi would have to come up with some solutions of their own to deal with the problem. She agreed access to the Harborwalk was needed.

**Mayor Matthews** suggested the City could work with the County to discuss a driveway for public access, adding she sympathized with the Charlevoi; however, she agreed they needed to come up with solutions. She opined there was no reason to deny the request.

**Councilmember Carey** voiced appreciation for the developers' attempts to work with the Charlevoi, concurring not all situations could be controlled.

**Councilmember Cummings** voiced approval of the request.

**Councilmember Miller** voiced agreement with comments made by Councilmembers, adding it was necessary to meet with the County to devise a solution for the Charlevoi.

**Mayor Matthews** pointed out the over-the-water Tiki Bar was not part of this request. Councilmember Cummings **MOVED** approval of PD-01-21 contingent upon staff's stated conditions, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

**V-01-2021 - A request by Marvin P & BarBara A Nelson, property owners, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a single driveway 46 feet in width instead of 24 feet in width as is required by Chapter 26, Section 10.3(h)(6)(b), Punta Gorda Code, in order to reconstruct a driveway at an existing single-family structure, constructed in 1989.**

**LEGAL: PGI 006 0043 0018 Punta Gorda Isles Sec 6 BLK 43 LTS 18 & 19 A/K/A: 232 Lido Drive, Punta Gorda, FL 33950**

**CHARLOTTE COUNTY PARCEL ID: 412214105005**

City Attorney Levin read the request by title.

Ms. Hannon entered the staff report denoted in the agenda material into the record by reference. She reviewed the criteria which must be met in order for a variance to be approved, along with staff's findings. She explained the strict and literal enforcement of the Land Development Regulations would not permit the expansion of the driveway to 46 feet in width, noting the RV garage addition, which was constructed in 2005, and the driveway configuration could have been changed at the time of construction. She stated staff could find no evidence of hardship other than a mere inconvenience, noting the hardship was not generally shared by other properties in the same zoning district or vicinity. She pointed out expansion of the impervious area could potentially cause drainage and runoff issues which could be detrimental to the surrounding neighborhood. She summarized the proposed variance request was in conflict with numerous Comprehensive Plan policies, enumerating each, as delineated in the agenda material. She reviewed staff's conclusions, reiterating the driveway could have been redesigned at the time of construction to comply with Punta Gorda Code and to

provide access from the right-of-way, noting the application did not meet the criteria required for a variance. She stated if the variance were to be approved, proper permit applications must be submitted, including but not limited to a ROW permit along with the required building permits. She concluded staff and the Board of Zoning Appeals recommended denial of the request.

Ms. Barbara Nelson, applicant, opined the lack of direct access to the bus garage was a hardship for them, displaying photographs of the driveway and describing the access problem. She stated she wanted to replace the concrete with pavers which were more porous, explaining there would be no issue with drainage if the driveway was improved. She stated she owned two lots and was allowed up to a width of 63 feet; however, she was only requesting 60 feet, adding she was willing to expend a large amount of money to improve the property. She stated her neighbors had petitioned to allow the improvement as it would beautify the neighborhood.

**Mayor Matthews** inquired how the driveway could be reconfigured to meet the Code.

Ms. Hannon replied she had spoken with engineering staff, explaining the existing 24 foot driveway could be moved over to accommodate the RV garage, noting the maximum width of a single driveway could be 24 feet in width at the property line and through the right-of-way. She stated there would still be maneuverability for a single car to access the other garage but would also allow for straight in backing or pulling in for the bus garage.

**Mayor Matthews** stated stormwater runoff must be considered.

Ms. Nelson stated her neighbor had testified that pavers would not cause a drainage issue.

**Councilmember Prafke** inquired why the driveway was not configured properly when the garage was constructed.

Ms. Nelson replied her contractor advised her the existing configuration was allowed. A lengthy discussion ensued regarding an acceptable configuration where the wider driveway could be moved to the right to align with the RV garage with an elongated circular driveway that would be focused more to the right and the existing landscaping could remain, with consensus staff would meet with the applicant to explain same further and assist the applicant with a solution.

**Mayor Matthews** called three times for public comment.

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

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Prafke **MOVED** denial of V-01-21, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

An unidentified male stated the request was for a variance rather than to change the rules. He stated he wanted to invest \$70,000 to improve the driveway.

**Mayor Matthews** pointed out the request as submitted did not meet the criteria for a variance.

**NOTE: US 41 Corridor Vision was heard following V- 01- 2021.**

**CONSENT AGENDA**

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

**MOTION UNANIMOUSLY CARRIED.**

- A. City Clerk's Department
  - 1. Approval of Minutes: Regular Meeting of June 2, 2021
- B. Legal Department
  - 1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Sovereignty Submerged Lands Fee Waived Lease Renewal for Lashley Park Mooring Field - Instrument #080346065, Action ID #42281 through June 8, 2030 between the City of Punta Gorda and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida; and authorizing the Mayor to sign the lease renewal indicating acceptance.
  - 2. Monthly Litigation Report
  - 3. Invoice of Allen, Norton & Blue, P.A. for legal services rendered in May 2021
  - 4. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services rendered through June 9, 2021.
- C. Police Department
  - 1. Disposition of Forfeited Property

**BUDGET**

**FY 2022 Budget Update - General Construction Fund, 1% Sales Tax Fund, and Unfunded Construction Projects**

Ms. Kristin Simeone, Finance Director, provided a budget update, as delineated in the agenda material. She displayed the General Construction Fund Schedule of Revenues and Expenditures Proposed Fiscal Year (FY) 2022 through Proforma FY 2026, providing an overview of the Project Identification list. She drew members' attention to the Schedule of Revenues and Expenditures for the 1% Sales Tax Fund Extension Requests, noting revenue projections had been increased based on actual revenues received;

however, construction estimates had also increased based on the current construction environment. She mentioned the \$2 million interfund loan for the City Hall rehabilitation project, noting same was scheduled to be repaid in 2025. She reviewed the Project Identification list in detail, pointing out no funding changes had been made since projects were approved by City Council in January 2021; however, costs had increased for several projects. She concluded as a result of the increased revenue, City Council had additional funds to either move projects forward or allocate some additional funds to certain projects in need of same.

**Councilmember Prafke** opined the State would expect the City to immediately utilize the legislative funds awarded for the Boca Grande project, opining doing so would create opportunities for the City to obtain additional legislative funding.

**Mayor Matthews** concurred.

Ms. Simeone confirmed City Council desired to fund the Boca Grande drainage improvements in FY 2022 so that the project would no longer have an unfunded portion.

**Councilmember Miller** inquired if it was possible to utilize all the funds in FY 2022.

Mr. Rick Keeney, Public Works Director, responded the plans were not complete because the City had to change course on the design due to the land acquisition. He stated the consultant was aware of the new plan and could move forward once the properties were acquired. He confirmed the City could expend \$1 million on the project in FY 2022, noting the project would begin with construction of a retention pond.

City Attorney Levin advised the closings on the last two parcels had not occurred due to difficulties communicating with the sellers. He stated the hope was that once an agreement was reached on the selling price for one property, an agreement could be reached for the other property; otherwise, it would be necessary to go to court.

**Councilmember Prafke** voiced support for the Harborwalk/US 41 Bridge approach lighting project, noting same had been on the approved Sales Tax list since 2014 but had not been funded.

**Mayor Matthews** voiced support for the traffic light on Burnt Store Road which was desired by residents of the area due to concerns regarding traffic speeds, opining the County would support same.

Discussion ensued regarding the traffic light and other projects for Burnt Store Road residents.

Ms. Simeone then reviewed the list of unfunded projects.

**Councilmember Cummings** noted the “unimproved alleyway” listed was the Olympia Avenue/Berry Street area of the historic district flooding issues, noting several historic structures were now threatened by the situation.

**Councilmember Prafke** inquired as to funding for the Veteran’s Park Shade Structure. Ms. LeBeau responded funds were no longer available.

**Councilmember Carey** inquired how the unimproved alleyway would be funded.

Ms. Simeone replied either the General Fund or possibly with mobility impact fees; however, if it was a drainage project, it would be necessary to increase funding for that program. She concluded the presentation with an overview of the Special Use Fund Proforma.

**NOTE: City Council recessed for a lunch break at 12:01 p.m. and reconvened at 12:48 p.m.**

**FY 2022 General Fund Budget Update and Alternatives - General Fund and Information Technology**

Ms. Simeone reviewed community input related to the FY 2022 budget, as delineated in the agenda material, then provided background information related to administrative restructuring within the City beginning in 2007, concluding the 2021 full time employee count was 294 which equated to a ratio of 1.4 with a population of 20,352. She reported personnel and operating costs had increased between FY 2008 and FY 2021 by 28% and 2.4% respectively, with total cost of operations increasing by 20.6% for the same time period. She reviewed the General Fund Assumptions for revenue, personnel, and operating expenses.

**Mayor Matthews** suggested it was necessary to discuss the expenses related to meetings being held at different site(s) during the City Hall renovation, adding one option was the Military Heritage Museum (MHM) which had offered free meeting space for the Council meetings and had suggested a stipend be paid in exchange for meeting space for the boards and committees. She stated she had spoken with the MHM Manager and the City Manager to discuss an amount.

Ms. Simeone explained Procurement was looking into the matter, noting the amount discussed exceeded the allowed dollar threshold and thus might require going through the bid process or issuing a request for proposals.

**Mayor Matthews** stated the MHM was receiving requests for meeting space; therefore, the process needed to move forward quickly.

Ms. Simeone agreed, noting staff would be meeting with the City Attorney regarding the process. She then continued the presentation with the assumptions for transfers and capital outlay, briefly outlining the Capital Outlay Five Year Plan (equipment



replacement plan). She drew members' attention to the General Fund Summary, noting with all of the changes entered revenues were \$24,117,940 as of June 16, 2021. She stated there was an increase in the use of reserves to fund the gap between expenditures. She estimated FY 2021 ending reserves of approximately \$6.5 million, noting after two appropriation requests (\$230,000 for buildout of Herald Court Centre and \$250,000 for self-contained breathing apparatus) and other adjustments, the subtotal available reserves projection as of September 30, 2022 was \$2.6 million. She confirmed Council was amenable to including the two appropriation requests. She then reviewed the General Fund Operating Reserve - Look Ahead, noting after adjustments to the subtotal available reserves, the estimated ending reserves available for allocation was \$1,382,510. She stated the cost to fund all FY 2022 requested positions was approximately \$1.2 million as well as another \$900,000 in FY 2023. She then reviewed service level enhancements (staffing requests) along with considerations for FY 2022. She presented the five-year planning information for personnel requests as requested by the Divisions as compared to the City Manager's recommended plan, wherein any new positions would begin in April 2022 which resulted in some savings during the first year.

City Manager Murray spoke briefly about the recommended planning, stating other than Fire and Police only 3 other positions were included for FY 2022.

Ms. Simeone then explained the proposed lot mowing assessment was \$185.

**Mayor Matthews** questioned whether \$185 was sufficient, inquiring as to reserves.

Ms. Simeone responded the fund was analyzed each year, noting \$100,000 in reserves would be utilized leaving \$45,000 remaining.

Discussion ensued with consensus to increase the proposed rate to \$195.

**Councilmember Carey** requested trimming below the top of the seawall be prohibited.

Ms. Simeone agreed to discuss same with the contractor. She then reviewed the Information Technology Fund, noting operating expenditures were increasing approximately 9.5%, largely due to increased costs of software subscriptions and data storage needs. She concluded with a review of various options for the General Fund Proforma based on the following: current millage rate and no service level change; millage rate increase of 0.31 and no service level change; millage rate increase of 0.5 and addition of 9.5 positions in FY 2022; millage rate increase of 0.5163 and addition of 7.5 positions in FY 2022; millage rate increase of 0.5163.

Discussion ensued regarding the need to maintain reserves which were sufficient but not excessive and the process used to develop the millage rates presented.

Ms. Simeone provided an overview of the impact the proposed millage rates would have on ad valorem taxes for homes valued at \$300,000, \$400,000, \$550,000, and \$600,000.

**Councilmember Prafke** confirmed the City Manager projected the 0.5163 millage rate increase would still be an adequate millage rate in 2026, speaking in favor of adopting a millage rate which would offer a long-term solution. She pointed out growth did not pay for itself. She then inquired how Naples' millage rate could be lower than Punta Gorda.

City Manager Murray replied Naples had a large commercial base and much higher value homes. He explained the millage rates of municipalities in the region could not be directly compared as the inclusive services each municipality offered differed.

**Councilmember Cummings** stated raising taxes was the consequence of the decision to rely on a residential tax base which could no longer support the cost of the City's services. He noted an alternative was to increase the commercial tax base, suggesting the City consider same in the future.

**Mayor Matthews** stated the City's commercial tax base had never been more than 10%.

A lengthy discussion ensued regarding the City's historic commercial tax base, and the impact of annexation and the City's approaching residential buildout on taxes, with Councilmembers commenting on the coming form-based code's potential to provide new opportunities in the City.

Ms. Simeone inquired if Councilmembers preferred the City Manager's recommended plan for 7.5 employees to start mid-year in FY 2021/2022.

**Councilmember Cummings** suggested additional revenues generated through annexation would balance some of the costs of increasing personnel.

**Councilmember Carey** confirmed the Police Department would not be fully staffed with the addition of two employees in FY 2022, questioning if they could receive all the employees they requested.

City Manager Murray replied same could be entertained.

**Councilmember Carey** stated the safety of citizens needed to be paramount.

City Manager Murray stated with a millage rate of .5163 it would be possible to arrange things to make that work.

Discussion ensued regarding the Police Department's requests.

Ms. Simeone concluded updated information would be presented in July 2021, confirming Council was agreeable to presentation of fewer scenarios.

**City Council recessed and reconvened as the Burnt Store Isles Canal Maintenance Assessment District at 2:35 p.m.**

**BURNT STORE ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT**

**Fiscal Year 2022 Burnt Store Isles (BSI) Canal Maintenance Assessment District Budget Status and Discussion**

Ms. Simeone stated the FY 2021 operating assessment was \$460, explaining three assessment rate options were being presented for FY 2022: A) current operating assessment of \$460; B) operating assessment of \$560 (increases replacement program by 320 linear feet (LF)); C) operating assessment of \$560 (increases replacement program by 320 LF) with annual increases of \$25 (additional 80 LF); D) operating assessment of \$510 (adds 160 LF to program each year) with annual increases of \$50 (additional 160 LF).

City Attorney Levin announced the Vlcko case was final and the City's judgment was upheld; therefore, there would not be a change to the assessment methodology or a refund.

Ms. Simeone briefly reviewed the BSI Proforma assumptions for revenues and expenditures, noting no additional rate increases were projected for FY 2022 through FY 2026. She stated moving forward with the rip-rap mitigation project was dependent on permitting, with funds being carried forward to a future year if the project did not begin in FY 2021. She drew members' attention to the 5 Year Special Project Program, noting the BSI Canal Advisory Committee (CAC) had recommended moving forward with the Inlet Widening Project only at this time. She concluded with a review of the various Proforma options, as delineated in the agenda material.

**Mayor Matthews** inquired as to the intended location for the land acquisition for staging.

Ms. Cathy Miller, Public Works, replied the CAC was leaning towards the lot on Candia Boulevard which was owned by BSI and was across from the lock. She then presented three parcels which staff had considered.

**Mayor Matthews** voiced concern regarding staging lots being located next to residences.

**Councilmember Miller** inquired as to the increase Taylor Engineering had recommended for the seawall replacement program

Ms. Miller replied the recommendation was to replace 17,000 LF per year for both districts, noting the City was currently permitted to replace 8,000 per year for both districts.

Discussion ensued regarding the special projects and their necessity given the rapidly reducing number of vacant lots available for use as staging sites as well as the need to increase the seawall replacement program and associated assessment.

Ms. Simeone questioned what rate City Council would like to see on the TRIM notice and whether they were in agreement with moving the inlet widening project forward.

**Councilmember Miller** suggested special projects should be funded through special assessments.

Ms. Simeone pointed out BSI was accumulating \$45,000 each year and they were able to move one project forward.

**Councilmember Prafke** stated Council could approve the BSI CAC's recommendation for FY 2022 but propose they review Taylor Engineering's recommendations and whether the assessment needed to be further increased for FY 2023.

A brief discussion ensued regarding seawall replacement following Hurricane Irma.

Councilmember Prafke **MOVED** approval of a \$100 increase to the annual assessment and inlet widening proforma for FY 2022, **SECONDED** by Councilmember Carey.

**MOTION CARRIED UNANIMOUSLY.**

City Attorney Levin stated with regard to the intent and enabling language in the CMADs' ordinances regarding the function and purpose of the districts and their authority to collect assessments, the CMADs were maintenance districts and were intended to repair and replace the seawalls and maintain the dredged cuts inherited by the City. He stated it did not give the district the authority to create new infrastructure, including that intended to be constructed by the developer but not completed. He stated it was necessary to look at the proposed projects to ensure they were consistent with the enabling language.

**Councilmember Prafke** stated the Inlet Widening Project resulted from changing conditions in the CMAD.

City Attorney Levin stated it may be necessary to amend the authority of the district to allow funds to be expended on projects outside of its current authority.

**BSI CMAD recessed and reconvened as the Punta Gorda Isles Canal Maintenance Assessment District at 2:35 p.m.**

#### **PUNTA GORDA ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT**

#### **Fiscal Year 2022 Punta Gorda Isles (PGI) Canal Maintenance Assessment District Budget Status and Discussion**

Ms. Simeone stated four rate options were being presented for FY 2022: A) current operating assessment of \$550; B) operating assessment of \$700 (increased replacement program by 2,400 LF); C) operating assessment of \$700 (increased

replacement program by 2,400 LF) with annual increase of \$50 (additional 800 LF); D) operating assessment of \$625 (addition of 1,200 LF to program each year) with annual increase of \$75 (additional 1,200 LF). She reviewed the PGI Proforma assumptions for revenues and expenditures, noting no additional rate increases were projected for FY 2022 – 2026 and moving forward with the rip-rap mitigation project was dependent upon permitting, with funds being carried forward to a future year if the project did not begin in FY 2021. She noted one 5-year special project involved the PGI spoil site channel at a cost of \$901,000, with the Ponce De Leon Inlet Widening and Dredging Project being put on hold.

**Mayor Matthews** spoke in favor of removing the Ponce De Leon Inlet Widening and Dredging Project from the list.

Ms. Miller requested that project remain as it would deepen and widen the inlet, which would be necessary for Barge access to and from the PGI spoil site channel.

**Mayor Matthews** expressed concern regarding the project's impact on the assessment rate.

Ms. Someone noted staff would need to work with City Attorney Levin to address whether the PGI CMAD's ordinance required amendment in order to fund the project.

Discussion ensued regarding the Ponce De Leon Inlet Widening Project's timing and the area which would benefit from same, with agreement the project could remain on the list.

Ms. Someone then reviewed calculations from the Seawall Study, noting the system consisted of 480,252 LF of seawall with 23,207 LF having been replaced to date. She stated \$1.8 million was currently budgeted which funded approximately 5,850 LF per year, noting an increase to 13,577 LF would cost \$2.4 million per year and an estimated \$471 increase to the assessment rate. She concluded with a review of the various Proforma options and the PGI CAC's recommendation of Option C, as delineated in the agenda material.

**Councilmember Miller** confirmed the projected carryover in the Proformas included the Spoil Site Channel Project, noting same remained positive through FY 2026. He commented an assessment rate of \$700 was far less than the amount recommended by Taylor Engineering, noting the cost to address the seawalls would continue to increase if action were delayed.

**Mayor Matthews** expressed dissatisfaction with the assessment rate recommended by the PGI CAC.

**Councilmember Miller** questioned if \$700 would fund a sufficient rate of seawall replacement.

Ms. Miller stated she hoped so, cautioning the City's inspection of seawalls evaluated surface conditions only; therefore, staff was not aware of conditions underground.

**Mayor Matthews** inquired as to recent seawall failures in the district.

Ms. Miller replied there had been none this year and one last year.

**Mayor Matthews** voiced concern the assessment increase was too aggressive.

Discussion ensued regarding the rate increase.

**Councilmember Miller** inquired as to the \$75 figure.

Ms. Simeone replied same was the middle range that Council had requested, explaining the increase would begin with \$75 and be increased by \$75 each year. She stated the amount of seawall added per year would be 1,200 LF versus 2,400 LF.

**Mayor Matthews** stated she would be amenable to a \$100 increase.

**Councilmember Miller** stated the study outlined replacement needs over the next 50 years, opining it was important to share that information with the community. He pointed out the CAC did not have a mechanism to do that whereas the City did.

**Mayor Matthews** confirmed the City's permit allowed 8,000 linear feet to be replaced each year.

Ms. Miller clarified the City was in the process of renewing its seawall permit and was requesting it be increased to 24,000.

**Councilmember Cummings** opined it was unrealistic to increase the rate any less than \$100.

Councilmember Cummings **MOVED** approval of increasing the annual assessment to \$650 for FY 2022 only, **SECONDED** by Councilmember Miller.

**Voting Aye:** Cummings, Matthews, Miller, Prafke.

**Voting Nay:** Carey.

**MOTION CARRIED.**

**The Punta Gorda Isles Canal Maintenance Assessment District recessed at 3:44 p.m. and reconvened as the City Council.**

**NOTE: 2701 Deborah Drive was heard following the FDOT Lap Agreement Termination.**

### **NEW BUSINESS**

#### **2701 Deborah Drive - Driveway Relocation**

Ms. Hannon explained staff had reviewed the request to relocate an existing nonconforming third driveway at the referenced property, explaining after a legal review of the request, it had been determined that based on Chapter 26, Section 17.2(c), the request could be considered by City Council after review by the Planning Commission when such change is not detrimental to the health safety and welfare. She

concluded staff and the Planning Commission recommended approval with conditions outlined in the staff report.

Councilmember Prafke **MOVED** approval of the driveway relocation, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**NOTE: Revised US 41 Corridor Vision Plan was heard following V- 01- 21.**

**Revised US 41 Corridor Vision Plan**

Ms. Bessie Reina, Florida Department of Transportation (FDOT), presented the revised US 41 Corridor Vision Plan, as delineated in the agenda material, noting the project consisted of 28 miles of road from county line to county line, providing a brief overview of focus areas and input from stakeholders and the community. She explained the project was broken into eight road segments based on context, land development patterns and community character. She displayed aerial views of each segment, briefly describing the highlights of each.

**Mayor Matthews** voiced concern regarding elimination of a lane in Segment 4 in front of the Sunseeker Resort.

Ms. Reina explained the recommendations included a request to study same further.

**Mayor Matthews** opined more lanes were needed to accommodate the resort and the thousands of cars in the area.

**Councilmember Prafke** voiced appreciation for the addition of trees and landscaping.

**Councilmember Carey** questioned why walkability was needed near Sunseeker as the only businesses within walking distance were a gas station and a storage facility.

Ms. Reina stated various local plans and discussions were held in 2019 about what might be possible in the area, adding FDOT heard there was a desire for the area in general to be more walkable and for the roadway to better connect the communities. She stated there was a sincere desire for the pilot corridor vision plan to reflect the community vision, noting there was still time to make edits and better clarify what was possible given the community's desires.

**Councilmember Cummings** stated there were some homes in the area but it was generally industrial on US 41 across the street from Sunseeker, adding a third bridge plan was the only way traffic could be lessened as the existing bridge would be insufficient with additional development.

**Councilmember Miller** opined three lanes of traffic were almost insufficient in that area during rush hour.

Ms. Reina acknowledged Councilmembers' concerns, noting it would be necessary to consider both pedestrian and traffic needs during future planning discussions. She continued the presentation with an overview of Segment 5.

**Mayor Matthews** interjected a concern regarding installation of a traffic light in front of the Wyvern Hotel, noting potential development on the City Marketplace property could involve shutting down a segment of West Retta Esplanade.

Ms. Reina continued the presentation with an overview of Segments 6 and 7.

**Councilmember Profke** voiced concern FDOT had ignored input from the community suggesting use of the same solution for Madrid Boulevard that FDOT had used for Diplomat Parkway in North Ft. Myers. She objected to traffic being pushed through the neighborhoods.

Ms. Reina pointed out the potential future improvements and target traffic speeds for Segment 7 were based on continued growth and more people wanting a community feel in the area. She then provided a brief overview of Segment 8, which was anticipated to continue to be suburban and rural. She stated next steps included refinement of recommendations and strategies, drafting of a brochure, County and City prioritizations based on strategies in the brochure, and resolutions of support.

**Councilmember Profke** stated the Diplomat Parkway solution could also work for Rio Villa, adding it would prevent t-bone crashes and prevent unnecessary traffic from entering the neighborhoods.

**Mayor Matthews** reported FDOT had announced the median at Acline Road would remain open with minor modifications to the turn lanes. She stated she had invited Mr. Wayne Gaither to tour areas of concern.

**Councilmember Cummings** stated US 17 between US 41 and I-75 needed repaving.

Ms. Reina offered to pass that information along and follow up with City staff. She then concluded with a review of safety messages from FDOT.

### **Termination of FDOT LAP Agreement Airport Road to Carmalita Street**

Ms. Joan LeBeau, Urban Design Director, reviewed the history of the project, which was originally requested by the City in 2010, noting FDOT had recently requested the project be paused. She stated during FDOT's review of the project their engineers found "fatal flaws", adding they indicated the Local Agency Program (LAP) approved agreement was not workable and the project would be better delivered by FDOT as it was on the State Highway System. She explained FDOT had requested a reset of the project to allow their team to scope same with accurate assessments of community needs. She stated to move forward with this course of action, FDOT had requested the City agree to terminate the executed LAP agreement for the engineering design



project, adding staff had requested FDOT staff attend this meeting to explain the rationale for same.

Mr. Duane Harris, FDOT Project Manager, stated he was requesting concurrence with Ms. LeBeau's statements and was requesting a resolution to terminate the current design agreement. He offered to answer questions.

**Councilmember Prafke** inquired as to the fatal flaws.

Mr. Harris replied median modifications and bike lane requests were in question.

City Manager Murray noted decorative lighting and project overlap were also issues.

Mr. Harris agreed, noting the project limits had been modified to eliminate the overlap. He added FDOT did not typically fund pavers on a State roadway system, advising some items in the scope would have required an elevated level of FDOT oversight.

City Attorney Levin stated paragraph 9 of the agreement provided for termination. He noted subparagraph (a) referenced termination by FDOT and subparagraph (b) referenced mutual termination, pointing out adoption of a resolution to terminate the agreement was not one of the options. He suggested FDOT provide a notice to the City of their intent to terminate with a date and instructions for the City to accept same; otherwise FDOT could take the lead on a mutual termination. He stated it would be appropriate for City Council to make a motion to express its agreement to allow for termination and then have the proper paperwork done.

City Manager Murray suggested a mutual agreement that the project needed to be redesigned and rescope to make it work.

**Councilmember Carey** inquired as to funds expended on the project.

Ms. LeBeau replied the project was stopped before it was awarded.

**Mayor Matthews** inquired as to the timeframe for a restart.

Mr. Harris replied the goal was to have Ms. Reina's group do a study within the next two to four months or within the next year or so and after that the FDOT's "Four-P" group would take a deep dive engineering assessment to see what could actually be done in the corridor and from there we will design the project. He stated design typically took two years.

City Manager Murray commented no design had occurred as yet and no funding had been allocated for the upcoming fiscal year; however, one of the discussion points was to try to move the project forward as quickly as possible and not just put it at the back of the list.

**Councilmember Prafke** requested reassurance from FDOT regarding same, voicing surprise the flaws had only just now been discovered. She stated if it was collectively

agreed upon to move forward, there should be consensus that the project would be kept on track.

City Attorney Levin stated the simplest thing would be for FDOT to notify the City the agreement was being terminated.

Mr. Harris suggested the City draft a letter to document the discussion.

**Mayor Matthews** reiterated FDOT must send the City notification of termination including language that they would keep the project moving forward.

Mr. Harris stated a letter could be drafted agreeing to the path forward which included the concerns of Councilmember Prafke.

City Manager Murray clarified Mr. Harris was requesting FDOT be sent a letter indicating the City was amenable to termination of the agreement provided the project was kept on track.

Mr. Harris further clarified it would be a letter of concurrence.

Ms. LeBeau inquired as to a required date for submission of the letter.

Mr. Harris reiterated the end of the fiscal year was June 30, 2021.

City Manager Murray opined the project was several years out.

Mr. Harris commented timing would be contingent upon what was found in the planning study, noting the project would stay on FDOT's radar.

**NOTE: A short break was called at 11:00 a.m. Mayor Matthews then announced the Deborah Drive relocation would be the next item to be discussed.**

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

##### **CITY MANAGER**

##### **Electric Vehicle Charging Stations**

**Mayor Matthews** announced FPL representatives would be available for comment telephonically.

City Manager Murray stated FPL confirmed sponsorships could be allowed and the sponsoring business could be advertised on the charging station; however, FPL would not be a sponsor. He stated fast-charging stations were not an option unless a location could be identified that was residential as well as commercial, adding in that case, one fast charging station could be provided but at a higher cost. He stated without sponsorships the City would be responsible for the electricity for the eight stations.

**Mayor Matthews** pointed out City Council had not yet approved the charging stations. She stated if the City wished to proceed with the stations with sponsorships, it would be necessary to solicit sponsorships prior to signing an agreement with FPL.

**Councilmember Miller** stated if there were sponsorships for all of the stations, he was agreeable to moving forward.

**Councilmember Prafke** stated the idea of sponsorships had not been well received by some business owners.

**Mayor Matthews** stated this was a pilot program FPL was introducing in select cities, noting the level 3 (fast) chargers were typically only located at freeway locations. She stated the level 2 chargers that would be located in the City Center would take substantially more time to charge, opining nearby businesses would benefit from having additional people come into the community.

**Councilmember Cummings** supported the City moving forward, opining this was infrastructure that was needed.

**Councilmember Carey** stated if the City provided the charging stations, it would be listed on a mobile app that could be downloaded, opining it equated to expending funds for marketing. She concluded the City should take advantage of being part of the pilot program.

**Councilmember Miller** reiterated users of the station should pay for the electricity and the City should not be involved.

Councilmember Cummings **MOVED** to move forward with sponsorships to offset the cost of electricity, **SECONDED** by Councilmember Carey.

**Voting Aye:** Carey, Cummings, Matthews.

**Voting Nay:** Miller, Prafke.

**MOTION CARRIED.**

**NOTE: Consent Agenda was heard following the Electric Vehicle Charging Station Discussion.**

#### CITY ATTORNEY

No comments.

#### BOARDS AND COMMITTEES

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

Board of Zoning Appeals Alternate (2)

Code Enforcement Board - Regular (3) and Alternate (2)

General Employee's Pension Board - 5th Member

Planning Commission

City Clerk Smith announced the vacancies.

##### **Nominations**

Building Board (1 contractor and 1 consumer advocate)

Councilmember Cummings **MOVED** to nominate and reappoint Ms. Wendy Mueller to the consumer advocate seat, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

**Councilmember Prafke** nominated all interested parties for the contractor seat.

#### **POLICY AND LEGISLATION**

**MATTHEWS:** No comment.

**MILLER:** No comment.

**CAREY:** No comment.

**CUMMINGS:** Commented the City had an aggressive policy towards the open house signs which made it appear the City was not being content neutral; thus, it was necessary to revise the sign ordinance to articulate that the City desired to honor the first amendment and have a content neutral code.

**PRAFKE:** No comment.

#### **CITIZENS COMMENTS**

No additional comments.

The meeting was adjourned at 3:50 p.m.

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Mayor

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City Clerk