

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JULY 14, 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.

City Manager Murray commented on posts on social media, Council approval of electric charging stations with sponsorships, the increase in funding for the Charlotte Harbor Environmental Center and the proposed millage rate increase.

Mayor Matthews noted the City's budget was available on the website. She then requested Items IV.A., IV.B. and IV.C. be moved to the latter part of the agenda.

Mr. Ed Weiner announced he was a nominee for the Board of Zoning Appeals. He then spoke regarding the need to be aware of development in south Punta Gorda.

Mr. Bob Fritz voiced opposition to the millage rate increase.

Mr. Tim Ritchie, March against Mosaic, President, distributed a map depicting construction Mosaic planned on Horse Creek, voicing opposition to their operation. He invited all to attend a Mosaic Desoto 2023 Chemical Plant Workshop on July 28, 2021, at the Punta Gorda Isles Civic Association.

Mr. Paul Polk, Charlotte County Property Appraiser, commented on the increase to taxable value in the City, increases for non-homesteaded properties as well as the continued trend of increasing property values.

Mr. Tom Weeks voiced opposition to increasing the millage rate when the tax base was increasing.

Mr. Mike Mansfield, Habitat for Humanity, CEO, spoke in support of the loan request from the Punta Gorda Housing Authority.

Mr. Christian Baker stated he and his neighbors were opposed to the tax increase, expressing concern regarding the impact to his property as a result of the Punta Gorda Housing Authority's development.

Mr. Sherman Johnson introduced himself as a Planning Commission nominee.

Ms. Lisa Vukovich spoke against the proposed millage rate increase.

Ms. Geri Waksler, Peace River Community Housing Partners, Inc, member, explained the organization was working to acquire land for affordable housing in the community,

pointing out as property values rose, it became more difficult for people who provided day to day services to residents of the City to find affordable housing.

PROCLAMATION/PRESENTATIONS

15 Year Service Award - Joan LeBeau, Urban Design Director

City Manager Murray spoke of Ms. Joan LeBeau's service to the City.

Mayor Matthews presented the award to Ms. LeBeau.

Introduction of Board/Committee Member Nominees

No further introductions.

ORDINANCE/RESOLUTION

No Public Hearing Required

Z- 01- 2021 - An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 16.8 + acres, being a portion of land lying in Charlotte County, Florida, being all of Block C, all of Tracts C & D, portions of Blocks A, B, D, E, F, H, & I, and portions of Tracts B & E, all in Coral Ridge Unit No. 2, according to the plat thereof, recorded in Plat Book 5, Page 36, of the Public Records of Charlotte County, Florida, and said parcel also being a portion of those lands encompassed by Resolution No. 89- 16PV, a resolution to vacate a portion of Coral Ridge Unit No. 2 as recorded in Official Records Book 1046, Page 276, of the Public Records of Charlotte County, Florida, and all of Cooper Street Commerce Park, a condominium, according to the Declaration of Condominium thereof, as recorded in the Official Records Book 3231, Page 1963, and subsequent amendments thereto, of the Public Records of Charlotte County, Florida, all being more particularly described in the boundary survey attached hereto, and addressed as 3130 & 3132 Cooper Street, from its current Charlotte County zoning classification of Industrial General/County (IG/County) to Public/City (P/City); providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Ms. Lisa Hannon, Zoning Official, confirmed there were no questions for staff.

Councilmember Prafke **MOVED** approval of Z-01-2021, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CP- 01- 2021 An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the future land use map to reflect the change in the current designations of Low Intensity Industrial/County

(LII/County) to Public/City (P/City) for 16.8 + acres, being a portion of land lying in Charlotte County, Florida, being all of Block C, all of Tracts C and D, portions of Blocks A, B, D, E, F, H, & I, and portions of Tracts B and E, all in Coral Ridge Unit No. 2, according to the plat thereof, recorded in Plat Book 5, Page 36, of the Public Records of Charlotte County, Florida, and said parcel also being a portion of those lands encompassed by Resolution No. 89- 16PV, a resolution to vacate a portion of Coral Ridge Unit No. 2 as recorded in Official Records Book 1046, Page 276, of the Public Records of Charlotte County, Florida, and all of Cooper Street Commerce Park, a condominium, according to the Declaration of Condominium thereof, as recorded in the Official Records Book 3231, Page 1963, and subsequent amendments thereto, of the Public Records of Charlotte County, Florida, all being more particularly described in the boundary survey attached hereto, and addressed as 3130 & 3132 Cooper Street; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Prafke **MOVED** approval of CP-01-2021, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

PD- 02- 2021 An Ordinance of the City of Punta Gorda, Florida, amending the conceptual site plan previously adopted with Ordinance No. 1907- 18, adding an amended site specific plan for the Westerly ½ of Lot 15, 4.52 +/- acres, generally described as 24420 Airport Road, Punta Gorda, Florida, and more particularly described in Exhibit “A” attached hereto; amending the previously limited total density; providing for certain modifications to the regulations applicable to the development; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Prafke commented favorably on the high standards of the Punta Gorda Housing Authority’s communities, opining the upcoming project would be an asset to the City.

Councilmember Prafke **MOVED** approval of PD-02-2021, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Mayor Matthews stressed there was a great need for affordable housing in Punta Gorda.

NOTE: US 41 Vision Study was heard following PD- 02- 2021.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

- A. City Clerk's Department
 - 1. Approval of Minutes: Special Minutes of July 5, 2021
- B. Legal Department
 - 1. Monthly Litigation Report
- C. Police Department
 - 1. Renewal of Mutual Aid Agreement for Use of the Lee County Sheriff's Office Gun Range

NOTE: Budget Items were heard following Discussion of Park Rules

BUDGET

A Resolution adopting a proposed millage rate for the City of Punta Gorda, Florida for Fiscal Year 2021/2022 and setting a date, time and place of public hearing to consider the adoption of the tentative millage rate and proposed budget.

City Manager Murray spoke at length regarding the need for the millage rate increase, explaining continued use of reserves to fund the shortfall each year was not sustainable. He noted the .31 increase was needed to break even at the end of the 5-year proforma, noting the remainder of the increase would fund the long-term operating plan. He indicated while it appeared reserves would be low towards the end of the proforma there were other considerations, including carryover amounts, conservative increases in property values and early payment of the CRA debt that could put the City more realistically in the neighborhood of \$3,000,000. He explained the necessity and benefits of having a five year plan, noting it provided a comprehensive look at where the City was now, where it needed to go, what the targets were with the strategic plan and what it would take to get there while addressing the issues, including personnel needs, that had been identified.

City Attorney Levin read the resolution by title.

Ms. Kristin Simeone, Finance Director, stated the proposed millage rate for FY 2022 was 3.9500 mills and the calculated roll back rate was 3.3203, making the proposed millage rate 18.97% over the rolled back rate. She stated the resolution set the tentative millage rate and budget public hearing for Wednesday, September 8, 2021, at 5:01 p.m. in City Council Chambers. She stated staff had provided examples of the impact of the millage rate on different home values.

A lengthy discussion ensued regarding the necessity to increase the City's millage rate for FY 2022 as proposed.

Councilmember Prafke **MOVED** approval of the resolution adopting a proposed millage rate of 3.9500 for FY 2022 and setting a public hearing date for Wednesday, September 8, 2021 at 5:01 p.m., **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Appropriation of Funds for Buildout of Herald Court Centre Units \$230,000 and Self Contained Breathing Apparatus Replacement \$250,000, approved at the June 16, 2021 Council meeting.

Ms. Simeone explained estimated increased revenues for the electric utility tax, FPL franchise fees and the local government half cent sales tax would offset the appropriations for the expenditures for the referenced items.

Councilmember Prafke **MOVED** approval of the appropriation of funds, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

FY 2022 Budget Status Update for Sanitation, Building, and Marina Funds

Ms. Simeone displayed the budget status update, explaining due to increased fees for refuse and yard waste (\$0.50) as well as recycling (\$0.33), the proposed Sanitation Fund fee was being increased to \$24.05, noting same would balance the fund.

Councilmember Carey questioned why recycling costs had gone up when there was less recycling.

Ms. Stephanie Kissinger, Waste Management, opined recycling volumes had not decreased. She explained rates had remained flat for years; however, an increase was necessary. She provided a detailed explanation of the reason costs had increased, including labor shortages and increases to the cost of steel to manufacture vehicles and equipment.

A brief discussion ensued regarding volumes and the process of recycling.

Ms. Simeone reviewed the Sanitation Fund Vehicle and Equipment Program, noting staff would continue to review costs to determine if a planned year of equipment replacement could be delayed.

City Manager Murray pointed out there was a \$0.10 increase in 2021 for refuse and yard waste collection; however, the increase previous to that occurred in 2005.

Ms. Simeone then briefly reviewed the Proforma and Tentative Rate Changes for FY 2022 – 2026. She concluded with a comparison of surrounding communities' fees, noting Punta Gorda was ranked 3rd highest.

Councilmember Prafke **MOVED** approval of the proposed sanitation fee for FY 2022, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Ms. Simeone confirmed members were amenable to the addition of one staff position for sanitation. She then drew members' attention to the Building Fund, reviewing the proforma and noting FY 2022 was balanced and no change in fees was proposed; however, additional employee positions, needed services and equipment needs in future years would result in increased expenses. She displayed the Marina Fund Proforma FY 2022-2026, noting no change in fees was proposed.

NOTE: Unfinished Business was heard following the Consent Agenda.

UNFINISHED BUSINESS

441524- 1: Northbound Tamiami Trail (US 41) Vision Study

Mr. Mitchell Austin, Principal Planner, introduced staff from the Florida Department of Transportation (FDOT) to present a Vision Study for US 41 from William Street to Peace River Bridge.

Mr. Richard Oujevolk provided a brief study overview, noting the goal of the study was to maximize the value of the resurfacing project by incorporating positive elements that enhanced safety and efficiency. He explained public involvement activities were accomplished by offering a variety of meetings and social media avenues, outlining the results, as delineated in the agenda material. He then reviewed statewide crash report data for 2015 to 2019, noting F.S. 335.065(1)(a) was adopted to address the number of bicyclist and pedestrian fatalities and serious injuries. He pointed out some of FDOT's recommendations for enhancements to bicycle and pedestrian facilities on US 41 were already included in the City's 2030 Vision Plan for downtown. He presented the feasibility analysis results for operations/travel speeds and crashes, noting the area from Marion Avenue to West Retta Esplanade had the highest density of traffic and the highest incident rate for crashes for the project area. He then reviewed alternative concepts for various sections of the roadway.

Councilmember Cummings inquired as the rationale for a roundabout in the downtown, noting the traffic direction was mostly north and south.

Mr. Oujevolk responded the key reasons for using roundabouts was to force traffic to slow down to reduce serious injuries and fatalities as well as to better control driver behavior for navigation. He concluded slower speeds were more bicycle and pedestrian friendly.

Councilmember Cummings questioned if slower speeds could be achieved by reduced speed limits, objecting to installation of a roundabout. He questioned if accidents could occur within the roundabout.

Mr. Oujevolk responded crashes occurred in roundabouts; however, the survivability rate at a slower speed was much better. He stressed speed limits were ignored and due to the state's atrocious record for intersection safety and fatalities, FDOT was being required to force changes to driver behavior.

Discussion ensued regarding the Carmalita intersection and access for the various businesses in that area.

Mr. Oujevolk stated his purpose in making the presentation was to obtain input and documentation. He stated the improvements shown were geared to accommodating the City's proposed network of trails and pathways. He explained a 12-foot shared use path was proposed to begin just north of Williams Street combined with numerous other shared use paths and linear trails would all converge to form a big circular pattern of pathways downtown. He then reviewed the alternative concepts for the northern end of the project, adding there was some flexibility in this area which was subject to change and coordination based on development conditions. He stated FDOT was willing to work with the City throughout the entire process, pointing out there was time to make modifications as it would take at least another two years to put everything into production and put it out to bid.

Mayor Matthews questioned what would happen if the City did not approve of the recommended changes, such as shutting down a lane traffic on US 41 northbound.

Mr. Oujevolk responded at minimum a bicycle facility must be included.

Mayor Matthews opined it was necessary to have the capacity in that corridor for the potential development of the City Marketplace property, stressing if it was to be made a bicycle lane rather than a traffic lane, same was problematic.

Mr. Oujevolk stated there were still three lanes with the concept.

Councilmember Prafke stated many drivers turned right onto West Retta Esplanade at the Wyvern Hotel, suggesting a turn lane to the right be included rather than to the left. She stated she was in favor of slowing traffic in the area of Carmalita, voicing concern the current configuration promoted darting in and out of traffic and frequent starting and stopping.

Councilmember Carey voiced concern regarding the safety of combining a bicycle path and a turn lane.

Mr. Oujevolk acknowledged the concern, adding these were concept drawings and FDOT would attempt to better distinguish the pathway; however, safety was everyone's

responsibility. He stated the four-block area from Virginia to just south of West Retta Esplanade did not have enough room for a 12-foot shared use path; therefore, it was necessary to let bicyclists traverse the side of the road or walk their bike.

Councilmember Millers agreed with the two-lane idea, stating jockeying started when the third lane was added at Carmalita. He suggested the left-hand turn lane be eliminated through West Retta Esplanade. He voiced preference for a multi-use path on the east side of US 41 which could be kept away from the street and proper stops installed where bicyclists and pedestrians had to stop before crossing a major street. He stated alternatively bicyclists could be redirected a block or two away from the street in that section, concluding it was necessary to keep bicycles from interacting with cars.

Mr. Oujevolk stressed FDOT was not taking away a lane of traffic but rather were adding a bike lane to either a concept that had dedicated turn lanes or one where a small portion of the three-lane segment was kept open. He stated for this area to be pedestrian and bicyclist friendly, FDOT would work toward a target speed of 19 to 23 miles per hour which allowed a higher survivability rate.

Councilmember Prafke agreed with Councilmember Miller, voicing support for detouring bicycle traffic from Charlotte over to Nesbit and then using West Retta Esplanade to return to US 41. She stated until such time that a path could be created that would separate the bicycles, an alternate plan was needed to avoid that area.

Mr. Oujevolk stated FDOT was moving forward and doing their portion which was shown on the plan. He reiterated this was just a resurfacing project, adding FDOT was happy to promote the connections if the City provided same.

Mayor Matthews suggested the western lane on US 41 northbound could easily be converted to a left turn only lane, opining same would help curb speeding and improve safety.

Mr. Oujevolk drew members' attention to the slide titled, "Alternative Concept – S of Virginia Ave to Marion Ave" with the two-lane with designated turn lanes, noting same showed a left turn at Virginia, dedicated right turn at Olympia and a dedicated left turn at Marion. He stated this was known as "chicaning" which gently moved traffic from left to right to allow for turn lanes while keeping the two lanes coming from the south as dedicated through lanes to go over the bridge. He acknowledged it would be possible to include a dedicated right turn lane at West Retta Esplanade. He stated FDOT would like to get bicyclists off of US 41; however, in the absence of other facilities, they were being kept on US 41 because FDOT was bound by law to do so.

Mayor Matthews inquired if the City's approval of using Nesbit as a sharrows road for bicycles would be acceptable rather than putting a bike lane on US 41 in that corridor. Mr. Oujevolk replied affirmatively provided bicycles could safely make the transition.

Councilmember Prafke suggested beginning the transition at Charlotte Avenue.

Councilmember Miller stated it was necessary to get away from the three lanes of traffic, suggesting the western lane could be a left turn lane only from Virginia Avenue all the way to the bridge.

Mr. Oujevolk agreed same could be considered, adding bicyclists could be brought over to Charlotte and then down to Nesbit. He stated FDOT would only be responsible for installation of directional signage for bicyclists. He suggested the transition could be done at Charlotte where a formalized crossing was proposed; however, there must be action on the City's part.

Councilmember Prafke pointed out Mr. Mitchell Austin, Principal Planner, had proposed something similar several years ago.

Mr. Oujevolk stated Councilmember comments would be incorporated into the proposal and FDOT staff would continue to work with Mr. Austin.

City Manager Murray inquired if FDOT was able to do curb extensions or small islands, which would force the left turn, citing Marion Avenue and US 41 as an example.

Mr. Oujevolk replied affirmatively, clarifying this was a repaving project and it would be done through temporary curbing and delineators until a reconstruction project was formalized.

City Attorney Levin stated with regard to the statutory language requiring bicycle facilities on state roads, there were many opportunities to avoid the conflict which City Council was concerned about without violating the statute. He pointed out the second paragraph indicated if the establishment could not be done without sacrificing safety, it did not need to be done.

Mr. Oujevolk agreed. He then drew members' attention to the preliminary cost estimates of \$6.015 million for a 3-lane enhanced roadway and \$6.026 million for a 2-lane roadway with dedicated turn lanes, outlining additional features and unit costs. He noted there were economic benefits of having bicycle and pedestrian facilities, noting Florida's transportation projects were expected to yield an average \$4 of benefits for every dollar invested. He explained the next steps included refining the draft alternative concepts to better reflect comments made today. He pointed out the lane repurposing concept report would be completed only to confirm the existing lanes would be made more efficient and would be rededicated with no lanes being repurposed. He stated a final concept and recommendation could be presented to City

Council in approximately October 2021 and a complete project development and environment phase in June 2022. He clarified the cost would be paid by FDOT rather than the City.

Councilmember Prafke mentioned the City had requested permission from FDOT for the America in Bloom decorative planter project located in the right-of-way on Marion Avenue, noting funding was being donated and the City would like to move forward.

Mr. Oujevolk offered to follow up regarding same.

Ms. Julie Ryan interjected staff had a contact at FDOT and was working on approval for the project, noting one issue was how the planters would be secured.

NOTE: A brief recess was called at 10:46 a.m.

Peace River Wildlife Center Update

Ms. Hannon briefly explained the Peace River Wildlife Center (PRWC) request for an extension. She explained the PRWC requested the Phase 1 completion date of April 15, 2023, as defined in the approved agreement, be extended for one year until April 15, 2024, due to the loss of development time and income during the COVID-19 pandemic, adding the extension would allow the PRWC additional time to fundraise and construct the site if necessary.

Ms. Callie Stahl, Executive Director, Peace River Wildlife Center (PRWC), stated the PRWC remained as strong and sustainable as always, noting the organization was able to support itself despite the educational facility, the main source of income, shutting down for six months and operating at a reduced capacity for three months over the past year. She then displayed the conceptual building design and site plan for the Henry Street educational facility, briefly reviewing the amenities and structures to be included. She displayed a video of the architectural rendering of the Wildlife Center building. She indicated other non-profit organizations in the area would be brought in to promote and sustain the environment.

Councilmember Miller confirmed the Punta Gorda Pathways would go around the exterior of the property rather than through it.

Councilmember Prafke noted there was a local sales tax fund project for a parking lot, commenting same could not be constructed until construction of the PRWC site was completed.

Ms. Ryan explained the pathway, parking lot, dog park and restrooms were all part of the City's five-year plan and were part of a sales tax project, stating the scope of work to hire a consultant and engineer to work on the City's portion of the project was in conjunction with the PRWC's engineer. She concluded the goal was to hire a consultant by the end of the calendar year, with the project likely to be phased. She stated

additional discussions needed to take place regarding the parking lot and making the project seamless in coordination with the PRWC's project.

Ms. Stahl confirmed the PRWC would cooperate with the City.

Mayor Matthews stated her biggest concern was the status with Mr. Boff.

Ms. Stahl explained same was not an issue.

City Attorney Levin noted a written amendment to the lease would be required if the extension were granted, adding same could be included on the next agenda.

Councilmember Prafke **MOVED** approval of a one-year extension to the Phase 1 completion date until April 15, 2024, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Local Government Area Opportunity (LGAO) Funding Request or Loan Funding for State Apartment Incentive Loan (SAIL)/4% Tax Credits application for Affordable Housing - Verandas III

Mr. Kurt Pentelecuc, PGHA Executive Director, explained as a result of Hurricane Charley, the PGHA lost approximately 154 public housing units, with 4 remaining to be put back online. He stated the PGHA procured Norstar Development to rebuild all 154 public housing units.

Mr. Justin Corder, Norstar Development, presented information on the Verandas of Punta Gorda, Phase III. He provided an overview of the Local Government Area of Opportunity process, noting same was a very competitive process. He stated the PGHA was asking City Council to reconfirm their commitment for the same amount and terms for the 2021 award cycle. He stated if the Verandas III did not receive a 9% tax credit award, the PGHA intended to apply for 4% tax credits and State Apartment Incentive Loan (SAIL) funds and were requesting that the City commit \$340,000 to support that application with the same loan structure as the 9% tax credit application.

Councilmember Carey opined this was the City's opportunity to demonstrate its attempt to provide affordable housing for the community.

Councilmember Cummings spoke in favor of the project's potential to increase commercial activity in the City and reduce the need for continued millage rate increases.

Councilmember Prafke commented positively on the project, noting the entire loan amount would be repaid and the City would gain 72 affordable housing units instead of only the 4 which had not yet been replaced.

Mayor Matthews stated the PGHA's projects were well managed, noting the existing Verandas project was beautiful. She concluded the PGHA fulfilled a significant need in

the community, reiterating the request was for a loan which would be paid back with interest.

Councilmember Carey **MOVED** approval of a loan of \$340,000 at 1% interest over 18 years to the PGHA, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Discussion of Park Rules

City Manager Murray explained there was no codified control or restriction related to times when the public could access the parks, questioning whether City Council desired to implement such restrictions and create an enforcement mechanism.

City Attorney Levin advised the City had the authority to implement time limitations on when parks were open. He noted there was an extensive definition of "camping" that had withstood judicial scrutiny. He stated the Courts had indicated sleeping in parks could not be prohibited unless it occurred in conjunction with a park closure.

City Manager Murray inquired if it was possible to restrict certain park areas.

City Attorney Levin replied affirmatively, citing an example where the pavilions could be closed to public utilization during a specific period but the Harborwalk could be left open during that time.

Councilmember Carey voiced concern she had not seen anything in writing describing a problem, questioning how the police department would be affected. She pointed out boaters might want to have a late night or an early morning breakfast at the pavilions, noting events sometimes started early. She suggested locking the bathrooms might be helpful, noting she had heard concerns regarding the condition of same.

Mayor Matthews stated there were situations where people had been sleeping overnight in the pavilions and taking them over to the exclusion of other members of the public. She stated she had subsequently asked for research. She concluded Gilchrist Park was where most problems occurred.

Councilmember Prafke recalled a resident had been unable to use the pavilion due to its occupation by a homeless individual. She expressed preference to address this issue and panhandling proactively.

City Attorney Levin advised it would be difficult to prevent someone from occupying a pavilion for the entire day. He stated he would prefer City Council close the parks to all for a certain time, noting Council could leave the Harborwalk open if desired. He stated it was clear from case law that an ordinance must not be crafted to discriminate against a certain population.

City Manager Murray inquired as to the enforcement of restrictions on the hours the parks were open.

City Attorney Levin replied code violations could be issued, explaining same would be a civil infraction which could be accompanied by fines.

Councilmember Carey inquired as to posting signs regarding prohibited activities.

City Attorney Levin stated if the prohibited activities could be identified and justified for more than just the homeless, expressing concern prohibiting cleaning laundry in the park would be problematic if homeless individuals had no other place to do laundry.

Councilmember Carey noted there were individuals who aided homeless individuals needing showers and clean laundry.

City Attorney Levin stated a blanket prohibition against camping in any public place had been invalidated, indicating a City ordinance would be limited to camping in the parks so that there would be other opportunities to engage in living activities.

Discussion ensued with consensus of Council for staff to conduct further research and draft ordinance language for City Council's review as a discussion item.

NOTE: Budget Items were heard following Discussion of Park Rules.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

No comment.

CITY ATTORNEY

City Attorney Levin reported he was in court on Monday for the Shoreline Foundation case and had a complex case management conference with the judge, noting the judge indicated if it went to court for final hearing it would be in the first quarter of 2022. He stated he also ordered that the parties engage in non-binding arbitration, which adds to the cost to the City but perhaps could result in a quicker resolution. He stated staff believed the case was a strong one worth defending. He stated he hoped by the end of next week he will have filed the petition for the quick take in the eminent domain case related to the Boca Grande drainage project, noting efforts to resolve it out of court had become too complicated given the number of heirs involved. He then stated there was also a minor piece of litigation related to a homeowner's association seeking to foreclose on an owner for failure to pay association fees, noting the City was a party to the case due to an outstanding utility lien.

CITY CLERK

Board Member Forfeiture Appeal

City Clerk Smith explained Ms. Julie Price was a member of the Historic Preservation Advisory Board and had exceeded the allowed number of absences per City Council

policy and the Board's bylaws. She provided a brief history of Ms. Price's appeal and term of service and read a statement provided by Ms. Price.

City Attorney Levin read the portion of the bylaws which governed absences, advising it was within City Council discretion to determine whether the information provided was sufficient. He stated if City Council wished to hear directly from Ms. Price, they could defer the matter to the next meeting.

Councilmember Carey **MOVED** to deny the appeal.

Motion DIED for lack of a second.

Councilmember Cummings **MOVED** to approve the appeal.

Motion DIED for lack of a second.

City Attorney Levin clarified the end result was that Ms. Price automatically forfeited her position according to the terms of the bylaws.

Councilmember Cummings **MOVED** to allow Ms. Price to appear before the Council at a future meeting to present and discuss her appeal, **SECONDED** by Councilmember Miller.

Voting Aye: Cummings, Matthews, Miller

Voting Nay: Carey, Prafke

MOTION FAILED.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals Regular (3) and Alternate (2)

Code Enforcement Board - Alternate (2)

Appointments

Planning Commission

City Clerk Smith announced Ms. Lisa Kellythorne received the most votes and was thus appointed to the Commission.

POLICY AND LEGISLATION

MATTHEWS: Announced this was City Council's last meeting prior to the summer break. She congratulated the Finance Department on receiving the Distinguished Budget Presentation Award.

MILLER: Thanked Mr. Murray for explanation of the budget.

CAREY: Suggested listening to the prior budget presentations would provide residents with a better understanding of the dilemma faced by City Council. She thanked the Police Department and Urban Design for their service.

PRAFKE: Concurred with Councilmember Carey's comments, noting the budget was reviewed in great detail and difficult decisions had to be made.

CUMMINGS: Concurred with comments made and extended best wishes for a good summer.

CITIZENS COMMENTS

No additional comments.

The meeting was adjourned at 1:11 p.m.

Mayor

City Clerk