

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, FEBRUARY 6, 2019, 9:00 A.M.**

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

**CITY EMPLOYEES PRESENT:** Kristin Simeone, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Kunik; City Clerk Smith

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

Invocation was given by Mr. John Burrage, followed by the Pledge of Allegiance.

**PROCLAMATIONS**

**St. Vincent De Paul Day**

**Councilmember Cummings** presented the proclamation, which was accepted by Mr. Richard Collins.

**Introduction of Board/Committee Member Nominees**

Ms. Nora Giardina introduced herself as a nominee for the Code Enforcement Board.

**ORDINANCE/RESOLUTION**

**(No Public Hearing Required)**

**Citizen Comments – Ordinances/Resolution Items Only**

Mr. Don Kidwell stated he supported the Buckley's Pass project; however, he voiced concern the total cost was unknown and objected to the assessment area and methodology.

Ms. Wendy Young stated she was in favor of the Buckley's Pass project, suggesting a delay until more seawall contractors were available. She objected to the assessment methodology, questioning Charlotte County's responsibility for maintaining the dredging of Alligator Creek once the project was complete.

Ms. Candi Gulick urged City Council to adopt the resolution.

Ms. Cindy Wagner Gullen requested the Charlotte County Interlocal Agreement specify County residents would be taxed per lot rather than water frontage.

Mr. Mike Nichols questioned whether City Council had considered competing courses of action to pay for the project.

Ms. Wanda Wannell commented she and her neighbors were amenable to paying the assessment as they would benefit from same.

Mr. MaryAnn Artesani opined Buckley's Pass would provide everyone additional areas for boating; therefore, it should be paid for by everyone.

Mr. Mike Ford, Congregational United Church, stated the church would receive no benefit from the new pass, stressing the assessment would be detrimental to funding for other church programs.

Ms. Karen Turnbull asserted identifying an assessment area was a stumbling block for completing the project, opining the project should be part of the existing Punta Gorda Isles (PGI) Canal Assessment District.

Mr. Bill Aslack stated he was a beneficiary of the cut; however, others would benefit from the cut and would pay nothing, requesting usage and economic impact be considered when making a decision rather than singling out any one area.

Ms. Charlene Duggan stated not only bird section residents would utilize the new pass. Mr. Richard Collins stated it was unlikely he would ever use the new pass but he would not object to paying the assessment. He opined the assessment should be based on household rather than water access units.

Mr. Mike Faucie commented many boaters would utilize the new pass to escape from inclement weather or due to a breakdown.

Mr. Harry DiMarco stated all boaters could access the waters of PGI and many would utilize the new pass, objecting to only the assessment area paying for access that would benefit many boaters.

Ms. Diane Van Beek questioned the assessment methodology and voiced concern regarding the increased cost, asserting the City was imposing non-ad valorem assessments on a potential ad valorem value increase.

Mr. Brad Gamblin pointed out the discussion regarding the payment method had been discussed for months, adding further delays would result in increased costs.

Mr. Dean Bumpke pointed out project costs had changed as the project developed and was improved. He opined the current projected cost was in line with the original estimate, stressing the additional access was well worth the cost.

**A Resolution of the City Council of the City of Punta Gorda, Florida, relating to the dredging project; describing the real property to be located within the proposed Buckley's Pass Dredging Assessment Area; determining that such real property will be specially benefited by the dredging project; establishing the method of assessing the project costs of the dredging project against the real property that will be specially benefited thereby; establishing other terms and conditions of the assessments; establishing a public hearing to consider imposition of the proposed assessments and the method of their collection; directing the provision of notice in connection therewith; and providing an effective date.**

City Attorney Levin read the Resolution by title.

Ms. Macalle Finkle, City Paralegal, stated the resolution was needed for the initial imposition of a capital assessment for the project, briefly explaining the water access unit (WAU) methodology, as delineated in the agenda material, noting there were 2,785 WAU which would be assessed across 2,112 accounts. She provided a brief overview of the cost projection, noting total capital cost of \$2,737,193 and total project cost of \$3,148,898, which resulted in a WAU assessment of \$983 if prepaid, or \$1,199.83 if paid over 3 years (\$399.95 annually), or \$1,226.75 if paid over five years (\$245.35 annually).

Mr. Hans Wilson, Wilson Engineering, provided his analysis of the opinion of probable cost, acknowledging the cost had increased; however, it was a conservative number. He displayed a proposed site plan, as delineated in the agenda materials, explaining the project had changed since the original proposal in 2015, noting the current proposal was the outcome of adjustments made based on a number of variables which included input from residents and permitting agencies, mobilization rate of contractors, clearing and grubbing requirements and an increased channel width of 60 feet with vertical seawalls on each side. He noted the channel depth had been increased to -6; however, there was no obligation to dredge to that depth or construct the channel to the permitted 60 foot width. He explained many adjustments to the channel alignment were done to avoid impact on neighbors and improve navigation, which had all resulted in an increase to the impact area. He spoke regarding the considerations which affected the construction of the seawall, noting a vinyl panel design that utilized a subterranean earth anchor with less impact on mangroves would likely be used. He opined numerous marine contractors in the area would want to do the project, estimating bids would come in lower than the opinion of probable cost provided this date.

**Councilmember Matthews** inquired as to the Charlotte County properties, questioning whether the benefitted district would be required to pay into the Alligator Creek MSBU. City Manager Kunik replied the County would likely request an Interlocal for same.

**Councilmember Matthews** inquired how the cost would be affected if the City waited until contractors were available.

Mrs. Wilson replied he would not recommend waiting, adding the cost would be worked out in the bid process.

**Councilmember Wein** opined no religious organization should be burdened with the assessment, and the City should absorb the cost. He then suggested if the church property was sold and used for another purpose, there should be remuneration to the City.

**Councilmember Cummings** commented according to State law, assessments could only benefit property. He stated as per the economist's analysis, an \$80,000 benefit was perceived for each residence, which justified the benefit area.

City Manager Kunik provided a brief summary of the history of the project, noting in March 2015 the Punta Gorda Boaters Alliance held a public meeting with over 400 people in attendance, at which time an assessment area similar to the current area was proposed. He pointed out it had been determined water access units was a legally valid methodology to impose an assessment for the proposed navigational channel. He stated if the initial assessment resolution was adopted, staff would send out notices to every property in the benefitted area identifying the assessment amount. He stated it was necessary to determine a location for the April 3, 2019 public hearing as well as which payment options would be offered.

Ms. Heather Encinosa, Nabors Giblin & Nickerson, advised it was possible to craft an exemption for not-for-profit organizations, which would include church properties, adding the City would need to absorb the cost. She stated an agreement with the property owner could specify the City would recover all or a portion of the assessment if the property was sold or redeveloped for another purpose.

**Mayor Prafke** confirmed the only dredging of Alligator Creek was at the entrance rather than downstream. She inquired who was responsible for changing the location of the slow speed sign.

Mr. Wilson replied it was likely the Florida Fish and Wildlife Conservation Commission but depended on jurisdictional limits.

**Mayor Prafke** inquired as to Council's preference for the installment payment period. Discussion ensued with consensus to allow a maximum installment period of three years.

**Mayor Prafke** inquired if it was permissible to allow bidders to provide a price based on their availability.

City Manager Kunik replied the seawall contractors would be available in July 2019, explaining the Buckley's Pass bid process would take construction of the project out to approximately the same July timeframe.

Discussion ensued regarding the public hearing location, with consensus to hold the hearing at 1:00 p.m. at the Charlotte Harbor Event and Conference Center.

City Attorney Levin inquired as to Ms. Espinosa's recommendation with regard to the church property.

Ms. Espinosa stated City Council may want to consider a process where the amount the City would recover would decrease over time, adding it could be a deferral agreement which was recorded and would run with the land.

City Attorney Levin advised against an easement which could affect the marketability of the church's property in the future, recommending a standard agreement with a deferment which identified what would be paid and when should the church property change hands and not be used for a religious purpose.

Ms. Espinosa agreed, advising same would be included in the final resolution to be considered on April 3, 2019. She confirmed the church was the only such property in the assessment area.

**Mayor Prafke** inquired as to a refund on a prepayment should the City receive grant funding or construction costs decreased.

Ms. Espinosa responded the current agreement indicated prepayments were final; however, refunds could be done if the City wanted to take on the administrative process of tracking and issuing refunds.

Consensus was to allow refunds of overages in the case of prepaid assessments.

**Councilmember Matthews** inquired as to the timeframe for mailing prepayment notices and when payment was due.

Ms. Espinosa replied notices would be sent out in April 2019, noting a June payment deadline.

Ms. Finkle advised the County's deadline to receive the information was early July 2019.

City Attorney Levin inquired as to the procedure for making changes to the resolution being considered this date.

Ms. Espinosa responded City Council could adopt the resolution with the amendments to the time and location of the meeting and modification of the language to allow a refund of prepayments if costs decreased. She reiterated the language related to the church property would be included in the final resolution.

Councilmember Cummings **MOVED** approval of the resolution as modified, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

**A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Interlocal Agreement with Charlotte County for the Buckley's Pass Harbor Access Project; authorizing the Mayor to execute the Interlocal Agreement; and providing an effective date.**

City Attorney Levin read the Resolution by title.

Ms. Finkle explained staff had negotiated an agreement with Charlotte County to assess those properties located outside of the City's boundaries, noting same was scheduled for consideration by the County Commission on February 26, 2019. She confirmed those property owners had not yet been noticed, clarifying the County would assess the properties in line with the City's process and would forward those funds to the City.

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

**MOTION UNANIMOUSLY CARRIED.**

**NOTE: A short break was called at 11:00 a.m.**

#### **CONSENT AGENDA**

City Attorney Levin pulled Item E1 due to a scrivener's error.

**Councilmember Matthews** inquired whether staff had talked to the Belaire Court property owner.

Ms. Lisa Hannon, Zoning Official, replied in the negative.

City Attorney Levin advised it was not necessary to speak to the owner; however, there were legal processes which were being followed, pointing out individuals could not ignore their legal obligations. He concluded the property would not be foreclosed without giving the owner the opportunity to defend himself.

**Councilmember Matthews** pulled Item D1 for further discussion.

A. Citizen Comments - Consent Agenda Items

None.

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

**MOTION UNANIMOUSLY CARRIED.**

**ITEM D1:** City Manager Kunik explained the City had been maintaining the Belaire Court property and the Code Enforcement Board had been dealing with the issue for many years, stressing it would benefit the entire neighborhood to move forward.

Discussion ensued regarding the extensive actions taken by the City as authorized under the law and the property owner's lack of response.

Councilmember Wein **MOVED** approval of Item D1, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**ITEM E1:** City Attorney Levin read the resolution by title, explaining the first whereas clause had been corrected to read "as recorded in Plat Book 22, Page 17-A through 17-F".

**Councilmember Matthews** suggested requiring an intent to annex agreement letter for the entire parcel.

Discussion ensued with consensus for staff to research the issue and bring it back as a regular agenda item.

Councilmember Matthews **MOVED** to continue the resolution to the February 20, 2018 meeting, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of January 16, 2019
2. A Resolution of the City Council of the City of Punta Gorda, Florida, declaring its policy with regard to taking action on non-agenda items; providing for consideration of non-agenda items only after approval by a majority plus one of a quorum of Council and to do so only for stated reasons; and providing an effective date.

C. Legal Department

1. Invoice of Allen, Norton & Blue, P.A. for legal services rendered through December 31, 2018
2. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered through January 31, 2019.
3. Monthly Litigation Report
4. Acceptance of Bid - Sale of 412 Allen Street #F2018112/RE-SALE412ALLEN

D. Urban Design Division

1. Approval to Foreclosure on Lien for 295 Belaire Court
2. A Resolution of the City Council of the City of Punta Gorda, Florida, approving a Pre-Annexation Agreement with Alonso Real Estate Service, Inc. for the properties generally described as 324 Cooper Street and 6275 Scott Street in Punta Gorda, Charlotte County, Florida; authorizing the Mayor to execute the agreement; providing for conflict and severability; and providing an effective date.

E. Utilities Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida, accepting a Bill of Sale, Release of Liens/Affidavit of No Liens, and Warranty from D.R. Horton, Inc. for water distribution and wastewater collection facilities located within Waterford Estates Phase 2B; providing for conflicts and severability; and providing an effective date.

### **Citizen Comments – Regular Agenda Items Only**

Ms. Martha Bireda opined it was time to make a decision regarding pickleball.

Ms. Christi Federici requested pickleball courts be removed from Gilchrist Park when the PicklePlex opened.

**Mayor Prafke** suggested moving the Long Range Financial Plan presentation to the end of the regular agenda.

Consensus was to do so.

### **BUDGET**

**NOTE: 2019 Long Range Financial Plan was heard after New Business.**

#### **2019 Long Range Financial Plan**

Ms. Kristin Simeone, Finance Director, presented a PowerPoint presentation of the 2019 Long Range Financial Plan and briefly reviewed the Forecast Assumptions and Pro Formas for each of the City's funds, as delineated in the agenda materials.

**Mayor Prafke** requested an update on the drainage program be provided.

City Manager Kunik agreed.

Ms. Simeone confirmed members were amenable to moving forward with the updated Financial Policy to establish an unassigned fund balance minimum of 8.5%. She reviewed several millage rate scenarios for FY 2020 as well as areas of consideration to reduce the shortfall, concluding with a review of items not included in current budget or pro forma for each fund.

City Manager Kunik stressed upgrading the City's website accessibility was a major undertaking, confirming a draft policy statement was being developed.

**Councilmember Matthews** inquired as to closed-captioning for videos.

Mr. Brad Schuette, Information Technology Manager, replied YouTube offered a closed captioning element for those videos which had already been uploaded; however, that process would be reviewed as part of the revamping of the videotaping equipment.

#### **Award of Master Agreement and Specific Authorization 1 for professional engineering services to update the City's Climate Adaptation Plan with Living Shoreline Element to Taylor Engineering of Jacksonville, FL.**

Ms. Marian Pace, Procurement Manager, explained staff recommended award of the master agreement to Taylor Engineering and a re-appropriation of approximately \$25,000.

Councilmember Matthews **MOVED** approval of the Agreement and Appropriation of funds, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**



**A Resolution of the City Council of the City of Punta Gorda, Florida, authorizing the annual submission of a grant application to the Florida Department of Environmental Protection Clean Vessel Act for the operation, maintenance and repair of the Laishley Park Municipal Marina pumpout vessel; authorizing the City Manager to sign the applications and administer the grants on behalf of the City; and providing an effective date.**

City Attorney Levin read the Resolution by title.

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

**MOTION UNANIMOUSLY CARRIED.**

#### **UNFINISHED BUSINESS**

##### **Review of Draft Bylaws for Pickleball Committee**

City Clerk Smith drew members' attention to the draft bylaws for the proposed Pickleball Committee, requesting input from Council related to several items, which had been highlighted in the draft document.

Discussion ensued with consensus to establish a fact finding committee made of up of one representative from each Council District and two at-large representatives who were also City residents, with the purpose of conducting research on short and long term solutions for pickleball in the City and presenting its findings within 90 days of its first meeting, and for the City Clerk to place an advertisement to seek applicants in the local newspaper, Weekly Newsletter and on the website, and to establish an application deadline of late February, and for appointments to be made at the March 6, 2019, City Council meeting.

#### **NEW BUSINESS**

##### **Event Permit: 19-151045; Peace River Revival; March 29-31, 2019; Laishley Park**

Ms. Lisa Hannon, Zoning Official, explained this was the event organizer's second year requesting closure of the Harborwalk, noting staff recommended approval with conditions.

Councilmember Matthews **MOVED** approval of the Event Permit with conditions as recommended by staff, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**NOTE: Boards and Committees was heard following 2019 Long Range Financial Plan**

#### **BOARDS AND COMMITTEES**

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

Board of Zoning Appeals Alternate

Building Board Alternate  
Code Enforcement Board Alternate  
City Clerk Smith announced the vacancies.

### **Nominations**

Code Enforcement Board  
Councilmember Matthews **NOMINATED** all interested parties.

### **POLICY AND LEGISLATION**

**PRAFKE:** Reported several additional State of the City presentations had been scheduled including the Punta Gorda Boat Club on February 22, 2019.

**CUMMINGS:** Announced a fundraising event for the William R. Gains Veterans Memorial Park would be held at the American Legion Post 103 on Saturday, February 16, 2019 at 3:00 p.m.

**MATTHEWS:** Requested a percentage of the force main project be included in the Weekly. She then inquired if it was possible to determine a percentage completed for the Reverse Osmosis Water Treatment Plant for inclusion as well.

City Manager Kunik replied in the negative.

**CAREY:** Reported on her recent experience attending the Institute for Elected Municipal Officials.

**Councilmember Matthews** commented the new Explore Punta Gorda website was not syncing with mobile devices.

**Mayor Prafke** confirmed the new PuntaGordaMasterPlan.com website was up and running.

### **CITIZENS COMMENTS**

Ms. Pat Niles commented favorably on the Strategic Plan document.

Mr. Paul Federici suggested pickleball committee applicants be asked to verify their availability for all meetings.

Ms. Bireda stated the wayfinding signs should be funded as they served the City as a whole. She voiced disappointment a decision was not made regarding pickleball.

The meeting was adjourned at 12:57 p.m.

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Mayor

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City Clerk