

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, DECEMBER 5, 2018, 9:00 A.M.**

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

CITY EMPLOYEES PRESENT: Kristin Simeone, Finance; Mark Gering, 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.

PROCLAMATION/PRESENTATIONS

2018 Digital Cities Survey Award

City Manager Kunik presented the award, which was accepted by Mr. Brad Schuette, Information Technology Manager

Legislative Update City Lobbyist

Mr. Jerry Paul, Capitol Access, provided a legislative update, noting this year's session would closely mirror the previous year's agenda, to include home rule and procurement of an appropriation for the Boca Grande Drainage Project. He described the make-up of the Charlotte County delegation and provided an outline of the legislative cycle, which included committee weeks and the 60 day legislative session.

Introduction of Board/Committee Member Nominees

Mr. Nicholas Worden and Ms. Jacqueline Benjamin introduced themselves as nominees for the Punta Gorda Housing Authority.

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

PUBLIC HEARINGS

A Resolution of the City of Punta Gorda, Florida, electing to use the uniform method of collecting non-ad valorem special assessments levied within the incorporated area of the City to fund the design and construction of an additional canal improvement to be known as Buckley's Pass; stating a need for such levy; providing for the mailing of this resolution; and providing for an effective date.

City Attorney Levin read the resolution by title.

Ms. Macalle Finkle, Paralegal, explained the resolution was administrative in nature and required by State Statute, stating its adoption would alert the Florida Department of Revenue, Charlotte County Tax Collector and Charlotte County Property Appraiser of

the City's intention to place the non-ad valorem assessment on the upcoming tax bill. She noted Exhibit B, incorporated into the resolution by reference, identified the boundaries of the properties to be assessed, confirming Statutory advertising requirements were met. She asserted the resolution was not intended to set the assessment rate nor determine the overall project cost as those decisions would be made in an initial assessment resolution on February 6, 2019, after which affected property owners would receive notice by direct mail followed by a public hearing in April 2019 when the final assessment would be determined.

Ms. Carolyn Freeland spoke regarding the history of the project, requesting City Council move forward.

Mr. Matt Ezra asserted his property did not realize a special benefit as was necessary for the assessment to be considered legal, requesting removal of his property from the benefit area. He proposed Council fund Buckley's Pass as a typical City project.

City Attorney Levin advised methodology was not under consideration this date, suggesting members of the public hold their comments regarding same until the February 2019 hearing.

Ms. Judy Grosvenor voiced support for the project as well as for the proposed methodology.

Ms. Wendy Young stated she agreed with most aspects of the project; however, she opined the cost should be spread over the entire population. She voiced objection to the term "water assessment units."

Mr. John Lynch opined all City residents should pay for the improvement.

Ms. Jane Leach stated she agreed with the comments by Ms. Freeland and Ms. Young, requesting clarification of "water access units."

Ms. Dianne Van Beek voiced opposition to imposing a levy on a limited number of properties as Buckley's Pass was not intended for the exclusive use of a limited number of boaters but rather would benefit all boaters.

Ms. Karen Turnbull pointed out the project was approved based on a substantial benefit to the entire City; therefore, costs should be borne by the entire Punta Gorda Isles (PGI) community. She maintained the proposed benefits could not be quantified.

Ms. Mary Ann Artisani asserted the proposed methodology was dividing the community.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews voiced support of the project, stating she was not convinced establishment of a benefit area was appropriate from a funding perspective; however, she would take no action to delay the project.

Councilmember Cummings spoke at length regarding the differences between taxes and assessments.

Mayor Prafke confirmed Council could opt for a different funding methodology if a decision was made to move forward with a different base, i.e., all of PGI as opposed to only the currently proposed benefit area.

City Manager Kunik advised doing so would delay the project for one year after which the entire process, including development of a new methodology, would begin again.

Councilmember Carey announced her full support of the project, expressing hope outside funding sources such as grants could be found to lower overall expenses.

Councilmember Wein reminded everyone Council had not arbitrarily determined the benefit area but rather same was accomplished by a professional economist consultant who specialized in assessment.

Discussion ensued with regard to possible payment options per “water access unit.”

Councilmember Matthews questioned the definition of the latter.

Ms. Finkle replied the term “water access unit” was defined in the report prepared by the professional economist. She announced staff intended on uploading as much information as possible on Buckley’s Pass to the City’s website.

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

MOTION UNANIMOUSLY CARRIED.

Note: A short break was called at 10:17 a.m.

Note: Councilmember Wein left the meeting at 10:24 a.m.

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments – Ordinances/Resolution Items Only

There were none.

SV-01-18 – A Resolution of the City Council of the City of Punta Gorda, Florida, declaring its intent to consider vacating a tract or parcel of land lying in Section 12, Township 41 South, Range 22 East, Charlotte County, Florida, being a part of Block 11 of the City of Punta Gorda, per the Plat thereof, as recorded in Plat Book 1, Page 15, Public Records of Charlotte County, Florida, being more particularly described as follows: the 10 foot alleyway between Lots 6, 7, 8, 9 and 10 of said Block 11 of the City of Punta Gorda and Lots 21 and 26 of said Block 11; together

with that portion of the 10 foot alleyway lying between Lots 21 and 26 of said Block 11 of the City of Punta Gorda; and more particularly described in Exhibit "A" attached to the resolution and made a part thereof; and providing an effective date; requesting a recommendation from Planning Commission; and fixing a public hearing thereon.

City Attorney Levin read the resolution by title.

Ms. Lisa Hannon, Zoning Official, stated approval of the proposed resolution would declare the City's intentions, adding a subsequent ordinance would be reviewed by the Planning Commission prior to presentation to Council for adoption in January 2019.

Councilmember Cummings **MOVED** approval, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

Ms. Kathy Goetz commented on Item C.1., Monthly Litigation Report, expressing surprise the City was named in a lawsuit filed in conjunction with an event held at the Punta Gorda Boat Club (PGBC).

Ms. Finkle explained the City was named as the PGBC leased the property from the City, noting same was standard practice.

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of November 21, 2018

C. Legal Department

1. Monthly Litigation Report

2. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered through November 2018

D. Finance Department

1. Request to reclassify the funding source for the appropriation of funds for Buckley's Pass land purchase

Citizen Comments – Regular Agenda Items Only

There were none.

BUDGET

Budget Transfer from Storm Sewer Reconstruction to Sailfish Bridge and Park Wooden Pathways & Pier Pilings

Mr. Mark Gering, City Engineer, explained staff's recommendation for the budget transfer, as delineated in the agenda material, the Sailfish Bridge project and the piers/pilings along the Harborwalk. He advised funding totaled \$200,000 (\$100,000 per project).

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

MOTION UNANIMOUSLY CARRIED.

Award of Agreement to Strickler Bros. Underground Inc. of Fort Myers, FL, for Water Main Improvements at Sullivan Street and West Olympia Avenue.

Ms. Anne Heinen, Senior Purchasing Agent, recommended award of the subject agreement to Strickler Bros. Underground Inc. of Fort Myers, FL, as the lowest, most responsive and responsible bidder. She advised funding totaled \$129,777.44.

Mr. Tom Jackson, Utilities Director, described the difficulty involved in replacement of older pipelines, particularly at the Olympia Avenue site where traffic was a significant issue. He estimated lane closures to last approximately two weeks, and the project itself would entail sixty days.

Councilmember Matthews **MOVED** to award the agreement to Strickler Bros. Underground, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, authorizing submission of a Boater Revolving Fund grant application to the Charlotte County Marine Advisory Committee (MAC) for the Buckley's Pass (Additional Harbor Access) Project; authorizing the City Manager to sign all grant documents and administer the grant on behalf of the City; and providing an effective date.

City Attorney Levin read the resolution by title.

City Manager Kunik announced the City was seeking \$500,000 in grant funds, acknowledging a final decision would not be made until the end of 2019.

Councilmember Matthews **MOVED** approval, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Hurricane IRMA Seawall Update – Riprap Issues

Mr. Gering explained staff had encountered a problem in that the Federal Emergency Management Agency (FEMA) had specifically excluded riprap from the City's Army Corps of Engineers (ACE) permit due to a threat to the small tooth sawfish, a protected species; thus, reimbursement could not proceed until permitting was in order. He requested authorization to negotiate with FEMA to separate seawall replacement and mitigation measures to expedite reimbursement.

Councilmember Matthews inquired regarding the timing of FEMA's reimbursement.

Ms. Kristin Simeone, Finance Director, replied FEMA did not necessarily wish to separate the two portions of the project but were in favor of obligating \$28 million toward seawall replacement.

Councilmember Cummings **MOVED** to authorize staff to negotiate with FEMA to separate seawall replacement and mitigation measures to expedite reimbursement, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Safety Barriers for Special Events

City Manager Kunik explained staff had received a request to utilize safety barriers during events, voicing concern regarding the number of events and the logistics of installation, removal and storage of barricades as well as their cost.

Discussion ensued with consensus to take no action at this time.

Interchange Commercial Zoning District

Ms. Hannon stated staff had drafted language based on previous Council discussion regarding anticipated annexations along Jones Loop Road, requesting Council's direction.

Councilmember Matthews commented favorably on the proposed ordinance, as delineated in the agenda material, recommending it be taken a step further and apply to properties on U.S. 41 and U.S. 17 as well.

Councilmember Carey questioned the timing of this ordinance, asking if same should be delayed until adoption of the Master Plan.

Mayor Prafke explained construction of the new Aldi's on Jones Loop Road triggered the need for a separate zoning district in the subject area. She noted the Master Plan had not been an issue at that time; however, she opined this issue should be included in the process for development of the Master Plan. She then voiced concern with excessive building height along U.S. 41 due to the close proximity to Burnt Store Isles.

Discussion ensued with regard to including the U.S. 41 corridor in the proposed zoning district classification.

Mr. Mitchell Austin, Urban Design Planner, opined the level of complexity in this discussion indicated same was directly related to the Master Plan.

Councilmember Cummings **MOVED** to proceed with the proposed ordinance as written and to re-visit the issue of development along the U.S. 41 and U.S. 17 corridors as part of the Master Plan process, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

Discussion regarding City Manager Succession Plan

City Manager Kunik stated he had been tasked with development of a succession plan for the City Manager position, adding Council must determine if they wished to utilize an executive search firm or the Human Resources Division (HR) to fill the position. He explained Council had the option of seeking an outside candidate or evaluating in-house candidates.

Councilmembers Cummings, Matthews and Carey commented HR was more than capable of handling the search, pointing out the cost saving in doing so.

Mayor Prafke voiced concern HR staff might not have sufficient time to dedicate to the process.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals (Alternate)

Historic Preservation Advisory Board (Alternate)

Code Enforcement Board (Alternate)

City Clerk Smith announced the vacancies.

Nominations

Planning Commission (2)

Councilmember Matthews **MOVED** to nominate and appoint Messrs. Joseph Comeaux and Edward Weiner to the Planning Commission, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Building Board

Councilmember Matthews **MOVED** to nominate and appoint Mr. Charles Brox to the Building Board, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Punta Gorda Housing Authority

Councilmember Matthews **NOMINATED** all interested parties.

POLICY AND LEGISLATION

PRAFKE: Reminded everyone the Charlotte County Legislative Delegation meeting would be held the following day at the Punta Gorda Isles Civic Association.

- Recalled a decision was made to budget an additional amount each year for the purchase of new Christmas decorations.

Ms. Simeone stated she would research the budgeted amount in the Facilities Maintenance Division's holiday decorations line item.

- Announced the Christmas parade would be held on December 8, 2018.

CAREY: Thanked staff for their work for the recent downtown tree lighting event.

CITIZENS COMMENTS

Ms. Young thanked City Council for their careful deliberations on the Buckley's Pass project. She recommended Council reconsider the concept of water access units.

Ms. Pat Niles encouraged participation in the "Journey to the Future" event on January 7, 2019, at the Charlotte County Event & Conference Center. She expressed hope the next City Manager would be provided sufficient time to acclimate to his/her new position. She urged additional discussion regarding "sober houses" in Punta Gorda.

City Attorney Levin stated he planned to discuss same with staff.

The meeting was adjourned at 11:31 a.m.

Mayor

City Clerk