

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, APRIL 19, 2017, 9:00 A.M.**

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

CITY EMPLOYEES PRESENT: Dave Drury, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Joan LeBeau, Urban Design; Jason Ciaschini, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Kunik; City Clerk Smith

Mayor Keesling 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

Arbor Day

Mayor Keesling presented the proclamation to Ms. Joan LeBeau, Interim Urban Design Manager, who invited everyone to attend the Arbor Day celebration at Laishley Park on April 28, 2017.

Parliamentary Law Month

Councilmember Matthews presented the proclamation, which was accepted by Ms. Jane Skorina.

Water Conservation Month

Councilmember Prafke presented the proclamation, which was accepted by Mr. Tom Jackson, Utilities Director, on behalf of Ms. Tara Poulton, Southwest Florida Water Management District.

Punta Gorda Police Department Presentation – Wear Your Helmet Design Contest

Officer Joseph Angelini introduced the Wear Your Helmet Coloring Contest winners: Ms. Avia Giardullo - Kindergarten; Ms. Daphne Landis - First Grade; Ms. Katie Byassee - Second Grade. He then announced the DARE graduation ceremony was scheduled for May 12, 2017.

10 year Service Award, Linda Sposito, Sr. Project Manager, Engineering

City Manager Kunik presented the award to Ms. Linda Sposito, Senior Project Manager, Public Works Department.

Mr. Rick Keeney, Public Works Director, spoke of Ms. Sposito's service to the Department.

Introduction of Board/Committee Member Nominees

Ms. Linda Wein introduced herself as a nominee for the Punta Gorda Housing Authority.

Mr. Charles Wolley introduced himself as a nominee for the Board of Zoning Appeals.

City Attorney Levin announced the second reading of Z-01-17 would be heard under Item C, Ordinance/Resolution (No Public Hearing Required).

PUBLIC HEARINGS

Quasi-Judicial Public Hearings

City Clerk Smith swore in the participants.

V-04-17 - Request for a variance by Gene Gordon, president and authorized Agent for Twin Isles Country Club pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow the parking lot of a golf course to be 15 feet from any other residentially zoned property, instead of 100 feet, as is required per Chapter 26, Section 3.4(f)(1), Punta Gorda Code on a portion of their property consisting of Lots 14 and 15, Block 284, Punta Gorda Isles Section 15.

LEGAL: Long Legal Description on file A/K/A: 301 Madrid Blvd., Punta Gorda, Florida CHARLOTTE COUNTY PARCEL ID: 412320376001

City Attorney Levin read the variance title.

Ms. Lisa Hannon, Urban Design, entered the staff report, as delineated in the agenda material, into the record, noting the request did not meet the criteria for a variance; therefore, staff recommended denial. She noted the Board of Zoning Appeals recommended approval of the request provided a 15 foot landscape buffer was installed.

Mr. Ron Graff, Twin Isles Country Club, explained lot 14, a vacant lot at the edge of their property, would be sold and the proceeds would be utilized to establish a capital fund to make improvements to the Club's facilities, adding they were seeking a variance for a 15 foot setback versus the required 100 foot setback. He stated the Club would collaborate with City staff to install landscaping on their property to properly buffer the tennis courts.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Mayor Keesling and **Councilmembers Wein, Matthews, Prafke and Cummings** disclosed they had each met with Twin Isles representatives and had no objections to the request.

Councilmember Prafke **MOVED** approval of V-04-17 with the 15 foot landscape buffer recommended by staff, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

CP-01-17 – An Ordinance of the City Council of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map for property generally described as 321 West Retta Esplanade, Punta Gorda, Florida, and more particularly described in Exhibit “A” attached hereto, containing 24,118 square feet+/-, from Low Density Residential/City (LDR/City) to Urban Village/City (UV/City); providing for conflict and severability; and providing an effective date.

SECOND READING/ADOPTION –CONTINUED FROM 04/05/2017

City Attorney Levin read the ordinance by title, noting this was a second reading.

Ms. Joan LeBeau, Interim Urban Design Manager, displayed an aerial view of the property, adding the request sought to change the current land use designation from Low Density Residential to Urban Village and to repurpose the residence to a restaurant. She entered the staff report into the record, as delineated within the agenda material, noting the Planning Commission and staff recommended approval.

Ms. Geri Waksler, McCrory Law Firm, applicant’s representative, stated they had nothing to add to their statements from the previous public hearing.

Ms. Katie Berkey, intervener’s representative, incorporated by reference her testimony from the previous public hearing, adding she desired to reiterate her client’s request to designate no parking areas between West Retta Esplanade and Olympia Avenue, which would eliminate only five parking spaces. She requested the no-through truck sign be replaced on West Retta Esplanade.

City Attorney Levin stated the sign request might be appropriate for the Rezoning and Special Exception requests, but should not be considered with respect to the Comprehensive Plan (CP) amendment.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of CP-01-17, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin reiterated the Rezoning request was not a public hearing; however, it must be heard and approved before the Special Exception. He questioned whether the revisions to the CP had been received from the State Department of Economic Opportunity (DEO), inquiring if the CP amendment needed to be in effect before the

property could be rezoned. He stated the effective date of the rezoning should coincide with the effective date of the amendment.

Ms. Waksler interjected State Statute allowed the hearing of CP amendments and rezonings simultaneously.

City Attorney Levin countered if the amendment was not approved or the DEO required additional modifications, there would be a rezoning in place which was not consistent with the CP.

Ms. Waksler advised small scale amendments were simply delivered to the State, adding same were effective on the date of adoption.

City Attorney Levin suggested the effective date in the CP amendment was incorrect as written, citing the language in Section IV, which indicated the amendment was not effective immediately upon adoption. He stated if the language was inconsistent with the requirements for a small scale amendment, he suggested reopening City Council's consideration and changing the effective date to "upon adoption". He recommended moving to the next agenda item while staff researched that issue.

Mayor Keesling announced at this time City Council would hear GA-02-17.

NOTE: The following discussion was heard after Item III, Consent Agenda.

Ms. LeBeau stated the effective date was 31 days after adoption of the ordinance in the event there was a challenge; however, it was possible to approve the rezoning with the condition of 31 days after the adoption.

City Attorney Levin interjected the effective date of the Rezoning and Special Exception could be modified, adding the effective date should be consistent with Section IV of the CP amendment.

Ms. Waksler advised State Statute did not require a finding that the package be complete but rather indicated small scale development amendments may not become effective until 31 days after adoption. She stated if challenged within the 30 days, it would not become effective until the Administration Commission issued a final order.

City Attorney Levin drew members' attention to the first sentence of Section IV of the ordinance, stating same should read, "the effective date of this plan amendment shall be 31 days after adoption." He advised the Rezoning ordinance and Special Exception resolution dates would be modified to become effective upon the same date as the CP amendment.

Councilmember Prafke **MOVED** to reopen the deliberation on CP-01-17, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin advised it was necessary to amend the effective date in the first sentence of Section IV of the ordinance to reflect it shall be 31 days after adoption. Councilmember Prafke **MOVED** to modify the effective date in Section IV in accordance with the City Attorney's direction, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Z-01-17 - An Ordinance of the City Council of Punta Gorda, Florida, rezoning 24,118 square feet of property, generally described as 321 West Retta Esplanade, Punta Gorda, Charlotte County, Florida, and being more particularly described in exhibit "A" attached hereto, from its current zoning classification of Neighborhood Residential (NR-10) to City Center (CC); providing for conflict and severability; and providing an effective date.

SECOND READING/ADOPTION -CONTINUED FROM 04/05/2017

City Attorney Levin read the ordinance by title, reiterating this was not a public hearing but rather the second reading of an ordinance approved on first reading at the previous meeting. He requested the effective date contained in Section V of the ordinance be the same as CP-01-17.

Mayor Keesling inquired if there were any public comments on this item.

Ms. Berkie reiterated the intervener's request to restrict parking to the existing cutaways within the block between West Retta Esplanade and Olympia Avenue as well as replacement of the no-through truck sign.

City Attorney Levin recalled when the ordinance was adopted on first reading, there was an agreement which was made a part of and a condition of the rezoning, advising it was necessary to include same in the motion this date.

Councilmember Prafke inquired if Council should include any part of the intervener's request.

City Attorney Levin replied same should not be part of the ordinance; however, Council could direct the City Manager to research the request for consideration at a future meeting.

Councilmember Cummings recalled Council had agreed to look at the system as a whole rather than individual parking spaces.

Councilmember Prafke stated she was amenable to replacing the sign.

Mayor Keesling confirmed there was consensus to do so.

City Manager Kunik stated staff could do so without further Council action.

Councilmember Matthews questioned whether it was possible to settle the issue of parking on Harvey Street.

City Attorney Levin replied since the item was not part of the agenda, it would be inappropriate to take action at this time.

Councilmember Prafke **MOVED** approval of Z-01-17 with the amended effective date and to include the agreement between the applicant and intervener, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

SE-01-17 - A request by Bruce Laishley, applicant and authorized agent on behalf of Don L. Horn and Federico Zuccarelli, as Trustees of the Don L. Horn Trust U/A/D January 8, 2008, for a Special Exception pursuant to Chapter 26, Section 16.8, Punta Gorda Code, to allow a restaurant within 200 feet of the Neighborhood Residential zoning district boundary, as is permitted by Special Exception approval per Chapter 26, Section 3.9(f)(10), Punta Gorda Code, on property addressed as 321 W. Retta Esplanade, which is currently zoned Neighborhood Residential zoning district and pending rezoning to City Center (CC) zoning district.

CONTINUED FROM 04/05/2017

City Attorney Levin read the Special Exception title.

NOTE: A short break was called at 9:55 a.m.

Ms. LeBeau displayed an aerial view of the property and read staff's findings and conclusions, as delineated within in the agenda material, into the record, concluding the Planning Commission and staff recommended approval of SE-01-17.

City Attorney Levin inquired if staff desired to include any conditions.

Ms. LeBeau replied no final development plan had been received.

Ms. Waksler, applicant's representative, stated her client was requesting a Special Exception to allow a restaurant use to be placed closer than 200 feet to the Neighborhood Residential Zoning district, introducing witnesses Mr. Jason Green, AICP, and Ms. Laura Rossey, PE.

Mr. Green, Weiler Engineering, stated he agreed with staff's findings in relation to the four criteria presented, providing additional commentary on the positive aspects of same.

Ms. Rossey, Southwest Engineering & Design, spoke regarding the traffic study, concluding placement of a restaurant at this location would not change the level of service on either Harvey Street or West Retta Esplanade. She further concluded there would be enough existing parking to accommodate the restaurant use.

Ms. Waksler noted the requirements of City Code related to granting a Special Exception, adding Mr. Green had testified that the proposed rezoning was consistent with the City's CP and was compatible with its Land Development Regulations. She

stated the final consideration was the proposed use would not generate vehicular or pedestrian traffic which was hazardous or conflicted with existing or anticipated traffic in the neighborhood or on streets serving the site. She stated Ms. Rossey confirmed there was sufficient parking and the level of service would remain at the highest functioning level. She stated City staff's findings indicated the Special Exception criteria had been satisfied. She requested the conditions of the agreement between the interveners and the applicant be incorporated into the Special Exception. She acknowledged the development would be substantially in compliance with the conceptual site plan which was included as Exhibit A to the agreement. She further requested City Council favorably consider placement of no parking signs on Harvey Street except in the existing dedicated parking cutouts.

Ms. Berkie reiterated the request to include the mitigating conditions submitted by the applicant, as well as favorable consideration of the parking limitations on Harvey Street.

Ms. Anne Chupka spoke in favor of the parking limitations, opining it was a safety issue.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin confirmed staff had no objections to Ms. Waksler's proposed conditions and advised the effective date of the Special Exception should coincide with the effective date of the CP amendment and Rezoning.

Councilmember Prafke **MOVED** approval of SE-01-17 with the conceptual site plan, inclusion of applicant/intervener agreement and an effective date which was consistent with Z-01-17, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

NOTE: Item II C 2, GA-02-17, was heard after the initial discussion on Item II B 2, CP-01-17.

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments – Ordinances/Resolution Items Only

None.

GA-02-17 – AN ORDINANCE OF THE CITY OF PUNTA GORDA AMENDING THE CITY OF PUNTA GORDA POLICE OFFICERS' RETIREMENT SYSTEM, RESTATED PURSUANT TO ORDINANCE 1644-10, AMENDING SECTION 1, DEFINITIONS BY AMENDING THE

DEFINITIONS OF “ACTUARIAL EQUIVALENT”, “CREDITED SERVICE” AND “SPOUSE”;
AMENDING SECTION 4, FINANCES AND FUND MANAGEMENT; AMENDING SECTION
5, CONTRIBUTIONS; AMENDING SECTION 6, BENEFIT AMOUNTS AND ELIGIBILITY;
AMENDING SECTION 8, DISABILITY; AMENDING SECTION 15, MAXIMUM PENSION;
AMENDING SECTION 27, PRIOR POLICE SERVICE; AMENDING SECTION 28,
DEFERRED RETIREMENT OPTION PLAN; ADDING SECTION 30, SUPPLEMENTAL
BENEFIT COMPONENT FOR SPECIAL BENEFITS; CHAPTER 185 SHARE ACCOUNTS;
PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN
CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE. **SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Matthews **MOVED** approval of GA-02-17, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of April 5, 2017

C. Urban Design Division

1. Sea Grant Letter of Support

NOTE: Regular Agenda Items were heard after Item II B.4, SE-01-17.

Citizen Comments – Regular Agenda Items Only

Ms. Carrie Hussey, United Way of Charlotte County Executive Director, requested the Human Services Grant entrusted to United Way be increased from \$25,000 to \$50,000.

Mr. Harvey Goldberg spoke in favor of the increase to the Human Services Grant.

Mr. Mike Entheil, Renovate America, distributed a brochure, and explained his company participated in the Property Assessed Clean Energy (PACE) program.

Mr. David Holmes, Attorney for A Squared Group, general contractor for the Harborwalk – Gilchrist Park project, spoke regarding the change order, stating his client wished to preserve a good working relationship with City staff. He pointed out the City had chosen to complete concurrent utility work within the project boundaries, asserting same had resulted in some coordination issues with respect to items such as

the traffic control plan. He stated his client desired to deliver a fully compliant project to ensure the City received Florida Department of Transportation (FDOT) funding.

Mr. Gene Pawlowski spoke regarding options for reducing accidents at the Marion Avenue/Maud Street intersection.

Ms. Janet Watermeier, Visual Arts Center, spoke in favor of additional signage for the Marion/Maud Street intersection.

BUDGET

Amendment 1 to Wharton-Smith Construction Manager at Risk (CMAR) for the Reverse Osmosis Plant.

Ms. Marian Pace, Procurement Manager, explained staff was requesting Amendment 1 to the Construction Manager at Risk (CMAR) Agreement with Wharton Smith, adding staff recommended an increase to the fee from 4% to 5%.

Discussion ensued regarding the amendment and bid process.

Councilmember Cummings **MOVED** approval of the amendment to R2013102 as recommended by staff, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Appropriation of Funds and Approve Change Order to Weiler Engineering to Increase the Scope for Construction Administration Services for Harborwalk – Gilchrist Park.

Ms. Pace explained the need to appropriate an additional \$200,000 for the Harborwalk-Gilchrist Park project, which included a change order to Weiler Engineering in the amount of \$156,689, permitting in the amount of \$17,000 and possible contingency of \$26,310. She reported Mr. Charles Reid, Local Area Project (LAP) Manager had advised Construction, Engineering and Inspection (CEI) services were required immediately, adding a couple of intents to claim had been received. She explained since no other engineering firm was available, she had asked Weiler Engineering to do LAP Specialist compliance services and perform CEI services, noting Mr. Reid approved same, and Weiler had agreed to do so.

Mayor Keesing inquired as to the permitting and testing amount.

Ms. Brittany Williamson, Weiler Engineering, replied LAP projects required quality control testing, adding the City had contracted with Universal Engineering for that service at a cost of \$17,000.

City Manager Kunik stated he hoped the contractor followed through as stated by their attorney, Mr. Holmes. He pointed out the City had undertaken LAP projects for many years and had never had to take this type of action. He stated it was imperative to remain in compliance in order to obtain the FDOT grant funding, which was sizeable.

Mayor Keesling voiced concern regarding the integrity of the bidding process, adding if other contractors had known the CEI service would be built into the contract, the outcome could have been different. She stated it was necessary to be cognizant of this in future contract negotiations, adding she was disappointed in the additional cost. Discussion ensued regarding previous LAP projects and staff's process for resolving contractor issues.

City Manager Kunik agreed the additional services should be included with future LAP grant applications, adding the City could then decide whether to pursue the grant. He confirmed the need for CEI services in this instance was precipitated by the inability of staff, the engineer and the contractor to work out their differences; therefore, FDOT was requiring the City to move forward in this manner.

Councilmember Prafke inquired if there was a message she needed to take to the Metropolitan Planning Organization, adding she was asked to provide a report from the City.

City Manager Kunik replied if the MPO meeting was the appropriate venue, she could question FDOT as to whether they would require CEI services for all future LAP grants so the City could plan accordingly.

Discussion ensued regarding the bid process with Councilmembers expressing concern regarding the additional cost.

Ms. Pace advised the CEI services were outside of the construction contract and, if included in the future, would be bid separately.

Mr. Mitchell Austin, Urban Design, commented CEI services for previous LAP projects had been performed in-house. He stated the level of scrutiny by FDOT and by the Federal Highway Administration was greater for large scale projects such as the Harborwalk, advising it was possible to request reimbursement for CEI services during the MPO project prioritization process, and staff would do so. He opined best practice would be to procure those services for future large scale projects.

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

MOTION UNANIMOUSLY CARRIED.

NOTE: Item VI A, Marion/Maud Intersection, was heard prior to Item V, Budget.

FY 2018 Budget Development Update

Ms. Kristen Simeone, Finance Department, reviewed a PowerPoint Presentation for the Fiscal Year (FY) 2018 Budget Status Report and Alternatives, as delineated in the agenda materials, the focus being the General Fund and Sanitation. She explained an effort had been made to flatten hierarchy, readjust the span of control and contract

where efficiencies could be realized, noting from FY 2008 to FY 2017, costs had been significantly reduced. She reviewed the General Fund Assumptions, which included a net 4% increase in ad valorem, no change to the millage rate of 3.1969, a 6% increase in revenues and a 4% net increase to operating expenditures. She drew members' attention to the Capital Outlay Five Year Plan which indicated an annual reserve funding level of \$756,000, noting a surplus of \$81,445 and ending reserves of \$2.1 million for FY 2018. She reported the ongoing drainage program was estimated to cost \$500,000 annually, adding the estimate for the Corto Andra/Boca Grande drainage project was \$4 million; however, the shortfall was currently estimated to be \$1 million. She reviewed the list of additional requests for future consideration which included Information Technology Department (IT) Capital Outlay and a Police Dispatcher position.

City Manager Kunik requested Council consider withdrawing from the Community Development Block Grant Program (CDBG) in favor of dedicating \$50,000 in annual funding for Trabue Woods initiatives, briefly explaining the rationale for same, as documented in the agenda material.

Discussion ensued with consensus to withdraw from the program.

City Manager Kunik confirmed the City could contribute to the same programs, adding staff would continue to hold meetings with Trabue Woods regarding their needs. He advised it was necessary to notify the Department of Housing and Urban Development (HUD) regarding the withdrawal, which would be final. He concluded the City was one of the smallest entitlement cities remaining in the program.

Councilmember Prafke suggested establishing criteria for Trabue Woods projects, clarifying \$50,000 might not be needed each year; however, it could be set aside to accumulate for funding future projects.

City Manager Kunik stated funds would be budgeted beginning in FY 2018, noting this item would be presented to Council for a formal vote at their next meeting.

Mayor Keesling requested information regarding the Florida Small Cities CDBG process.

Ms. Simeone continued the presentation with the Summary of Unfunded Alternatives, obtaining input from Council as follows: include funding of \$102,000 for personnel requests; increase United Way funding equal to the percentage increase by the County (10%); include \$500,000 funding for the drainage program.

Mayor Keesling explained the one-time request of \$190,360 also included a "refresh" of the public areas of City Hall and the Annex Building, adding an estimate was

provided by a local contractor. She noted the cost of painting City Hall was already included in the Facilities Maintenance budget.

City Manager Kunik reported staff would meet later this week to fine tune some security measures for City Hall and the Annex Building, adding regardless of the decisions made regarding the FY 2018 budget, staff would be presenting a request to enhance security in both of the buildings as they were constructed many years ago, and the climate had changed.

Mayor Keesling stated research was still being conducted regarding other needed facility upgrades, noting a meeting would be held the following week to further discuss an overall plan as well as the technical upgrades already being planned for Council Chambers by IT. She pointed out some of those costs might be funded in future years. City Manager Kunik concluded it was not possible to make a decision on the one-time requests at this time. He then acknowledged it had been ten years since the last pay plan study, reviewing the summary data related to how City salaries compared to other agencies. He confirmed Council was in favor of including funding for a full pay plan study as well as for removal of the exotic trees on East Marion Avenue. He inquired as to funding for a historic certification consultant in order to determine the historic value of certain Punta Gorda Isles homes.

Ms. Donna Peterman, Historic Preservation Advisory Board Chair, stated the Board had agreed to take on the task of reviewing the homes on the historic registry with the goal of narrowing the focus, noting the consultant would be asked to validate their findings as to architectural significance. She stated the Board would also consult with local historians regarding historical value.

Discussion ensued with consensus to include funding for historic designation and certification items.

City Manager Kunik announcing Smugglers had requested a City contribution of \$2,000 or elimination of the park rental fees for the fireworks display.

City Attorney Levin advised waiving the park fees would involve less liability for the City if someone was injured during the fireworks display.

Consensus was to waive the park rental fees.

Councilmember Matthews inquired if Smugglers would allow the City to be listed as a sponsor of the event.

Mayor Keesling responded affirmatively.

City Attorney Levin stated it should be noted the City was not sponsoring the fireworks.

Ms. Simeone continued the presentation, reporting staff recommended an increase to the lot mowing assessment to \$165 due to additional expenses, confirming Council was amenable to the increase provided the City was not incurring a cost to provide the service.

Councilmember Prafke suggested a two tiered rate which was dependent on whether the property had a sidewalk that required additional trimming.

Councilmember Cummings opined such a program would involve additional administration.

City Manager Kunik stated staff would provide additional information regarding the administrative cost when the assessment rate was presented for formal approval.

Mr. Rick Keeney, Public Works Director, introduced Ms. Jenna Blackway, Sanitation Supervisor. He asked whether residential sanitation services should be retained in their current configuration, briefly reviewing the pros and cons of the rear load vehicle currently being utilized versus the semi-automated vehicles (tipper and carts). He stated residents were satisfied with the twice weekly service; thus, no change was being proposed. He announced residents' old containers could be recycled, adding staff had identified vendors who were willing to recycle plastic and metal bins.

Discussion ensued regarding semi-automated vehicles with positive comments regarding level of service and employee safety.

He reviewed Sanitation fund tentative rate changes based on semi-automated vehicle services, the recycling contract and five year capital outlay needs. He concluded staff did not anticipate a rate increase until 2022. He acknowledged recycling costs would increase over the next few years; however, refuse and yard waste combined would remain the same. He stated moving forward with the semi-automated truck service could possibly result in a rate increase in 2021.

Councilmember Matthews inquired as to a timeframe.

Mr. Keeney replied purchase of a new truck entailed 9 to 12 months, adding during that time staff could research hiring a company to assist with implementing the new program and distributing the carts. He acknowledged Council desired to select the cart color.

Consensus was to move forward with semi-automated truck service.

NOTE: Item VI, Marion/Maud Intersection, was heard prior to Item V, Budget.

UNFINISHED BUSINESS

Marion / Maud Intersection

Mr. Mark Gering, City Engineer, drew members' attention to several signage examples intended to address safety issues at the Marion Avenue/Maud Street intersection, as

delineated within the agenda material, noting staff concluded it was necessary to install four signs, displaying the locations for same.

Discussion ensued with consensus to install the proposed FDOT compliant signs with suggestions to review the effectiveness of the signs after a six month trial period, to install reflectors on the road and to further consider the idea of one lane.

Councilmember Prafke inquired if it was possible to make the wayfinding type sign look more similar to the FDOT sign, which was attention grabbing.

Mr. Austin replied the highway sign could be used on the wayfinding pole, which stood 17 feet tall.

Mr. Gering pointed out there was no guarantee the signs would be effective; however, the sign face could be re-used, noting the cost for each decorative pole was \$2,000. He stated the signs could be installed within a couple of weeks if a standard pole was used, adding the decorative poles took 2 to 3 months to fabricate and could be ordered if the signs would continue to be used.

Consensus was to do so.

City Manager Kunik questioned whether Council was amenable to the suggestion of reflectors or a reduction to one lane.

Discussion ensued with consensus to eliminate the idea of reflectors and to wait to discuss other options until after a trial period for the signage.

NEW BUSINESS

Living Shoreline Developing a Comprehensive Action Plan through Collaboration

Ms. LeBeau displayed a PowerPoint Presentation on Living Shorelines, noting staff was approached by several potential project partners who desired the City to enhance their seawall and to be part of the coastal resiliency promotion. She explained staff was seeking Council approval to move forward with developing a Comprehensive Action Plan through collaboration, which would assist not only the City but also Charlotte County and potentially other municipalities in creating living shorelines, noting same consisted of shoreline protection construction projects which implemented natural bank stabilization techniques and provided habitat for plants and animals. She reviewed the project objectives and next steps, which included design of the project scope, boundary and implementation strategies as well as additional research and development of private-public partnerships.

Mayor Keesling inquired as to other city involvement. Ms. LeBeau replied Sarasota was quite active; however, she was uncertain as to Lee County's involvement. She stated staff's intent was to develop a model which could be utilized on a regional level.

Councilmember Matthews inquired as to specifics with regard to the Sheraton Hotel.

Ms. LeBeau replied several educational sites would be established for viewing, clarifying site research would first need to be conducted. She confirmed areas included Fishermen's Village and the Bayfront Center, noting the Nature Conservancy had identified several other areas for oyster reef projects, explaining it depended on funding levels and what made sense for the City and the County.

Councilmember Matthews inquired as to effects to the seawall.

Ms. LeBeau replied it would be necessary to engineer those items, adding Mr. Gary Disher, Public Works Analyst, would assist with seawall areas.

Councilmember Wein spoke favorably about the project and its benefits. He opined soil stabilization would benefit the seawall.

Ms. LeBeau pointed out additional Council consideration would be necessary, adding at this time staff was seeking approval of the concept.

Mr. Joe Suriol, Four Points by Sheraton, stated oyster reefs enhanced the structural integrity of the seawall.

Consensus was approval of the concept.

Councilmember Prafke inquired whether trimming the height of mangroves was allowed.

Ms. LeBeau responded there were several different types of pruning allowed, including "windowing", citing the Justice Center property as an example.

Discussion regarding Property Assessed Clean Energy (PACE) financing for properties located within City limits.

City Manager Kunik explained staff had been requested to participate in the PACE program which enabled participants to make energy saving improvements to their home and pay for same through a non-ad valorem assessment on their tax bill for periods of up to 25 years, noting the County had adopted a resolution to approve the program in the unincorporated areas. He stated the City Attorney had no objection to the agreement but had pointed out when a property changed hands, the new owner might not be cognizant of the special assessment and their responsibility for those payments. He concluded staff had no objection, adding if approved, staff would present a resolution for adoption at a future meeting.

Mayor Keesling voiced hesitation regarding the cost being included on the tax bill, noting the life span of some improvements was less than the allowed 25 year repayment period. She noted the Charlotte County Property Appraiser had cited an instance where a contractor did not obtain approval from the State in a timely manner to include the information on the tax bill.

City Manager Kunik clarified the City was merely a conduit.

Councilmember Cummings spoke in favor of the program, noting it could make owning an energy efficient home more affordable as payment for improvements could be financed over several years.

Councilmember Matthews compared it to obtaining a second mortgage.

Councilmember Wein questioned whether there were negative aspects for the City.

Councilmember Cummings requested more information before making a decision.

Mayor Keesling requested input from the Charlotte County Tax Collector.

Councilmember Prafke asked the vendor to comment.

Mayor Keesling voiced concern regarding possible scams.

Mr. Entheil stated Renovate America had partnered with 400 local governments and had completed 80,000 installations, explaining what separated and defined the PACE program were the consumer protections and ensuring contractors were performing the work as agreed. He acknowledged there were issues related to financing being transferred from one property owner to the next; however, their company had established a division of employees who assisted with those transfers. He stated repayment terms and interest rates were tied to the useful life of a product.

Councilmember Prafke inquired who decided what contractors would participate.

City Manager Kunik responded the City would follow the County's model in order to be consistent.

Mr. Entheil reported four providers offered PACE financing in Florida. He concurred keeping contractors accountable was essential to the program, explaining there were consumer protection guidelines in place. He clarified the company was a financial institution which charged a fee and generated revenue by collecting a percentage of a fixed interest rate between 6% and 8%. He stated the program was a "first position" lien on the house, adding the company subordinated (waived) their rights when a foreclosure occurred; however, there had only been 70 foreclosures out of 80,000 projects, all of which were related to the property owner's ability to pay any part of their mortgage. He stated they did not target customers based on their credit standing; however, property tax and mortgage payment history was considered, adding the first contact with a customer was typically made by a contractor.

Discussion ensued regarding the PACE program with consensus for staff to obtain input from the Charlotte County Tax Collector and provide additional information for further Council discussion.

City Manager Kunik clarified Council was not prepared to consider a resolution without further discussion.

NOTE: A short break was called at 12:08 p.m.

NOTE: Item VIII, Recommendation from City Officers, was heard after Item V, Budget.

RECOMMENDATION FROM CITY OFFICERS

CITY ATTORNEY

City Attorney Levin reported the City was no longer in a possible settlement mode with regard to the Fishermen's Village case, advising he would file a brief the following day.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals Alternate

Building Board Alternate

Building Board

City Clerk Smith announced the continuing vacancies.

Nominations

Punta Gorda Housing Authority (3)

Councilmember Prafke **NOMINATED** all interested parties.

Board of Zoning Appeals

Councilmember Prafke **MOVED** to nominate and appoint Mr. Charles Wolley, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Appointments

Firefighters' Pension Board

Voting forms were distributed.

City Attorney Levin announced Mr. David Baird had received the most votes and was thus appointed to the Board.

POLICY AND LEGISLATION

PRAFKE: Explained she would like to request the Charlotte County Airport Authority take a more proactive role in community outreach.

Consensus was support of same.

CITIZENS COMMENTS

None.

The meeting was adjourned at 1:58 p.m.

Mayor

City Clerk