

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JULY 3, 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.

**PROCLAMATION/PRESENTATIONS**

None.

**Introduction of Board/Committee Member Nominees**

None.

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

**PUBLIC HEARINGS**

**A Resolution of the City Council of the City of Punta Gorda, Florida, relating to the dredging project; providing authority and definitions; amending the initial assessment resolution; approving amendments to the final assessment roll; providing for the imposition of the assessments to fund the Buckley's Pass dredging project; providing for collection of the assessments pursuant to the Uniform Assessment Collection Act; providing for the effect of this resolution; providing severability and an effective date.**

City Attorney Levin read the resolution by title.

Ms. Macalle Finkle, Paralegal, explained the assessment process to date, noting staff recently met with condominium association representatives regarding their apportionment. She outlined the changes for Water Garden Condominiums and Admiral's Point Condominium, noting same were based on clear and substantial evidence. She reported Lyme Terrace Condominiums was not able to provide sufficient evidence of a need for a reapportionment. She concluded the proposed resolution amended the initial assessment resolution to allow for the change in apportionment to specific units rather than an equal division, confirming Clipper Cove at Bal Harbor and Clipper Cove Village were not eligible for apportionment changes.

**Councilmember Matthews** inquired as to the timeframe for making the change.

Ms. Finkle replied prepayments would be accepted through August 7, 2019.

Mr. David Klingerman voiced concern there was a lack of notice regarding the revised assessment.

Ms. Finkle pointed out a notice was published in the newspaper as required, noting public hearing notices were only required to be mailed to those associations whose assessments were changing. She explained the City could consider a change if sufficient documentation was provided.

**Mayor Prafke** confirmed there was no further public comment.

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

Ms. Finkle reported a preconstruction meeting would take place later this date, noting the City had received \$1,810,450 in prepayments which represented 70% of accounts.

#### **CONSENT AGENDA**

A. Citizen Comments - Consent Agenda Items

None.

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 June 19, 2019

C. Legal Department

1. Invoices of Persson & Cohen, P.A. for services rendered in May 2019

2. Monthly Litigation Report

D. Urban Design Division

1. A Resolution of the City Council of the City of Punta Gorda, Florida, repealing Resolution No. 3261-16 and establishing fees for applications submitted pursuant to the Punta Gorda Code, Chapter 20A, Subdivisions, and Chapter 26, Land Development Regulations; providing for conflict and severability; and providing an effective date.

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

Mr. Craig Eric inquired what percentage of seawall repair costs was reimbursed by the Federal Emergency Management Agency (FEMA), questioning whether the construction

company was responsible for repairing damage caused to sprinkler lines in the course of their work.

City Manager Kunik replied issues with contractors were handled on a case-by-case basis, suggesting Mr. Eric speak with the City's Public Works Director.

Ms. Debbie Sarkisian commented she had a right to express her opinion regarding pickleball on social media as the Pickleball Committee's charge had been completed at the time of the post.

Ms. Joann Nemeth opined the acoustic fencing in Gilchrist Park was unattractive, suggesting the pickleball courts be changed back to tennis courts.

Mr. Gary Wilson requested all eight pickleball courts be made available.

Mr. Ed Smith stressed City Council should close the pickleball courts at Gilchrist.

Mr. John Stockinger, Ms. Andrea Gately and Mr. Gary Stohl spoke in favor of retaining eight pickleball courts.

**Councilmember Matthews** explained she had requested input via Facebook, adding due to numerous negative comments, the post was removed. She stated all comments were shared with the City Manager and other Councilmembers, pointing out there had been no opinion rendered at the time.

Mr. Jeff Wilson spoke in favor of retaining eight courts in Gilchrist Park, voicing concern regarding the condition of the courts.

Ms. Bonnie Staid agreed with Mr. Wilson's comments.

### **BUDGET**

#### **Change in Groundwater Reverse Osmosis disinfection method from gas chlorine to sodium hypochlorite (bleach)**

**Councilmember Wein** commented bleach was safer to use than gaseous chlorine and not economically prohibitive.

City Manager Kunik explained the proposal did not affect the guaranteed maximum price.

Mr. Tom Jackson, Utilities Director, stated based on a cost analysis, the two methods were evenly matched; however, gas chlorine was becoming problematic in terms of transportation and liability, both of which were affecting the price. He advised bleach would be cheaper from the standpoint of operations, regulations and reporting.

Councilmember Matthews **MOVED** approval of the change in the Groundwater Reverse Osmosis disinfection method, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

**NOTE: The Budget Update was heard after the PGI CMAD Resolution**

## **Fiscal Year 2020 General Fund Budget Update**

Ms. Kristin Simeone, Finance Director, presented the Update, as delineated in the agenda material, noting negotiations with the Police Union were ongoing.

City Manager Kunik interjected staff was seeking confirmation as to whether City Council was amenable to including each of the alternative items in the budget.

Consensus was to include the estimated increase for the Police Union contract, Firefighter's Pension stabilization, 12% increase for health insurance, 4% merit for general employees and 0.5 FTE for Engineering Tech II position.

Mr. Ray Briggs, Fire Chief, explained the Fire Training Chief position would provide oversight of training for three different personnel shifts with a focus on advanced life support which entailed riskier procedures being done in the field.

Consensus was to include the position.

Ms. Pam Davis, Police Chief, explained in detail the need for additional staff to allow the Department to be more proactive in addressing hotspots as well as providing other much needed items including requested foot and bicycle patrols, officer development and training and back-up coverage.

Discussion ensued with consensus to include three positions and body cameras as requested by the Police Department, the Urban Design Plotter and net reductions of \$50,000 each for in-house community branding and the drainage program.

Mr. Brad Schuette, Information Technology Manager, provided the rationale for the Department's budget requests for upgrades and/or equipment needed to accommodate updated technology and an additional position to proactively address requests for service.

Consensus was to approve the requests.

Ms. Simeone stated based on the approved changes and the Charlotte County Property Appraiser's July 1, 2019 estimate, revenues were estimated at \$21,931,390, noting with use of reserves in the amount of \$226,805 and expenditures equaling \$23,106,930, the gap amounted to \$948,735. She drew members' attention to the estimated Proforma for FY 2021, reporting a possible budget gap of \$1.1 million. She noted the estimated ending operating reserve for FY 2019 was approximately \$1.7 million. She continued with a brief overview of the millage rate, noting the current rate resulted in revenue of \$10.2 million. She stated the additional millage rate needed for the total tentative approved changes was 0.3136 which generated approximately \$1 million in revenue; however, an increase of 0.2368 mills would fund on-going expenditures. She concluded staff recommended approval of the increase to the millage rate.

City Manager Kunik stated at the July 10, 2019 meeting, staff would recommend City Council adopt a not-to-exceed millage rate of 3.4337 for ongoing expenses and to fund one-time costs with reserves.

Discussion ensued with consensus to continue with the proposed rate increase.

**NOTE: The following Resolution was heard after Change in Groundwater Reverse Osmosis Disinfection Method.**

**A Resolution adopting a tentative levy of annual special assessment for the City of Punta Gorda Lot Mowing Assessment District for Fiscal Year 2019- 2020; setting a date, time and place of public hearing to consider final adoption of the assessment; and providing an effective date.**

City Attorney Levin read the resolution by title.

Ms. Simeone stated the proposed resolution set the tentative levy of the mandatory lot mowing program assessment at \$170.

**Councilmember Carey** voiced concern regarding the cost difference between zero turn mowers and regular mowers, noting the zero turn mowers created a great deal of dust. City Manager Kunik stated the contractor could be asked to submit cost information for changing its operations; however, the bid was based on doing business a particular way. Ms. Simeone stated according to Procurement staff, the new bid for zero turn mowers was almost double the cost of the current bid, offering to bring the resolution back to the next meeting with additional information.

A lengthy discussion ensued regarding the mowing program with consensus to delay approval of the resolution to the next meeting.

**Note: The City Council adjourned and reconvened as the Burnt Stores Isles Canal Maintenance Assessment District at 10:17 a.m.**

**BURNT STORE ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT**

**A Resolution adopting a tentative levy of annual special assessment for the Burnt Store Isles Canal Maintenance Assessment District for Fiscal Year 2019- 2020; setting a date, time and place of public hearing to consider final adoption of the assessment; and providing an effective date.**

City Attorney Levin read the resolution by title.

Ms. Simeone announced the public hearing for final adoption would be held on September 5, 2019, at 5:01 p.m. in Council Chambers. She explained the Burnt Store Isles Canal Advisory Committee recommended approval of the proposed assessment of \$555 for FY 2019/2020, noting the proposed special projects were currently not approved.

**Mayor Prafke** confirmed there was no public comment.

Councilmember Matthews **MOVED** approval of the resolution, adopting the proposed assessment of \$555, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

**Note: The Burnt Store Isles Canal Maintenance Assessment District adjourned and reconvened as the Punta Gorda Isles (PGI) Canal Maintenance Assessment District at 10:25 a.m.**

**PUNTA GORDA ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT**

**A Resolution adopting a tentative levy of annual special assessment for the Punta Gorda Isles Canal Maintenance Assessment District for Fiscal Year 2019- 2020; setting a date, time and place of public hearing to consider final adoption of the assessment; and providing an effective date.**

City Attorney Levin read the resolution by title.

Mr. John Stockinger inquired if there was an additional \$100 assessment being imposed.

**Mayor Prafke** responded the assessment was the same as the previous year, noting it was for seawall repairs needed as a result of Hurricane Irma. She then confirmed there was no additional public comment.

Ms. Simeone explained the PGI Canal Advisory Committee recommended approval of an assessment rate of \$650 for FY 2019/2020.

Councilmember Wein **MOVED** approval of the resolution adopting the proposed assessment of \$650, **SECONDED** by Councilmember Carey.

**MOTION UNANIMOUSLY CARRIED.**

**NOTE: The Punta Gorda Isles Canal Maintenance Assessment District adjourned and reconvened as the City Council at 10:30 a.m. and took a short break.**

**UNFINISHED BUSINESS**

**NOTE: Pickleball Committee Report was heard after the General Fund Update Presentation of the Pickleball Committee Report**

Ms. Donna Peterman, Pickleball Committee Chair, provided an overview of the Committee's process and presented the Report, as delineated in the agenda materials.

Mr. Dan Hartwig, Environmental Engineer, provided results of the sound study – pre-and post-abatement at the pickleball courts in Gilchrist Park, explaining barriers were intended to attenuate sound rather than to eliminate it. He reported the average sound attenuation with the fencing was 7 decibels, concluding the acoustic fence reduced the sound emanating from the pickleball courts.

Ms. Julie Moriarity presented options for Gilchrist Park, which included relocating the pickleball courts to the tennis court, limiting hours/days of play, lobbying the County to install permanent nets in more parks, closing the Gilchrist courts and/or relocating the

courts. She stated alternative City owned property locations for pickleball play included Trabue Park and West Henry Street, briefly reviewing same, noting the cost for a new court was approximately \$20,000.

Ms. Peterman reviewed the report summary from the agenda material.

**Councilmember Cummings** spoke at length regarding Punta Gorda's long history as a unified caring community. He commented on the data provided by the Pickleball Committee and the options listed for Gilchrist Park, concluding closing the Gilchrist Park courts would allow the community to move forward and focus its efforts on Pickleplex.

**Councilmember Wein** spoke to the emotion involved on both sides, adding pickleball had grown quickly and had outstripped the original concept for Gilchrist Park. He stated to serve the community it was necessary to maintain pickleball courts that were within walking and bicycling distance, recommending retaining the four courts at Gilchrist with the acoustic fence for at least the next year. He concluded the Master Plan might identify how to solve the problem in the long term.

**Councilmember Matthews** agreed Council had done what they could in trying to help with the noise abatement issue in the Park for the short term, adding she concurred four courts should remain open with consideration of relocating the courts to the tennis court location as a compromise.

**Councilmember Carey** voiced disappointment in the process and the anger displayed on the subject by so many, adding it was time for the City to get its priorities straight.

**Mayor Prafke** stated the original intent of the Gilchrist Park courts was to have fun, concurring nobody could have envisioned the sport would become so popular. She agreed with maintaining four courts at Gilchrist and encouraging casual play, banning tournament play, consideration of moving the courts to the tennis courts, the addition of landscaping to improve appearance of acoustic fence and eliminating play on holidays.

City Manager Kunik summarized City Council had received the report and no action would be taken until the Master Plan was complete, clarifying members wished to maintain the status quo at this time. He pointed out the current construction bid did not contemplate transferring pickleball to another location, adding consideration of such a transfer needed to be a formal agenda item and could be discussed at a later date.

Discussion ensued with consensus to maintain the status quo at this time.

#### **NEW BUSINESS**

None.

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

#### **CITY MANAGER**

Announced agenda items to be included on the July 10, 2019 City Council meeting.

### **CITY ATTORNEY**

City Attorney Levin explained he was responsible to advise City Council in order minimize the possibility of litigation, adding it was not his purpose to be obstructionist or to direct the Council.

### **CITY CLERK**

City Clerk Smith announced Mr. John Burrage was no longer able to provide the invocation at the beginning of Council meetings, inquiring how members wished to proceed.

Discussion ensued with consensus for staff to arrange for a replacement.

### **BOARDS AND COMMITTEES**

#### **Announcement of Vacancies**

Utility Advisory Board

Punta Gorda Housing Authority - Resident Commissioner

Historic Preservation Advisory Board Alternate

City Clerk Smith announced the vacancies.

#### **Nominations**

Planning Commission Alternate

Councilmember Matthews **MOVED** to nominate and appoint Mr. Keith Frohlich, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

Building Board (2)

Councilmember Matthews **MOVED** to nominate and appoint Messrs. Thomas Thornberry and Lawrence Gotfredson, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

#### **Appointments**

Police Officers' Pension Board

Voting forms were distributed.

City Attorney Levin announced Mr. Gerald O'Halloran had received the most votes and was thus appointed to the Board.

### **POLICY AND LEGISLATION**

**PRAFKE:** Announced she would be attending the Southwest Florida League of Cities of Meeting in two weeks' time.

**CUMMINGS:** Announced the International Cultural Fest would be held July 12, 2019 and July 13, 2019 at Fishermen's Village.



**CAREY:** Acknowledged staff's accomplishment in obtaining funding from the Southwest Florida Water Management District for the Reverse Osmosis Water Treatment Plant.

**CITIZENS COMMENTS**

Ms. Betsy Toro voiced concern regarding comments made during the break that the playground was in jeopardy due to noise complaints, stressing the community supported same.

Ms. Martha Bireda opined an increase to the lot mowing assessment would result in less participation in the program, voicing support for the Police and Fire Department's budget requests. She commented pickleball was not about decibels but rather the nature of the sound, voicing concern regarding the lack of empathy toward neighbors who were being hurt.

Ms. Julie Moriarty thanked Council for the pickleball discussion.

Mr. Rick Sarkisian voiced support for the Police and Fire Department budget requests. He opined Council had made the wrong decision in retaining on four pickleball courts in Gilchrist Park.

Mr. Joe Comeaux stated he was amenable to the millage rate increase.

The meeting was adjourned at 12:59 p.m.

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Mayor

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City Clerk