

COUNTY COMMISSIONERS / PUNTA GORDA CITY COUNCIL JOINT MEETING

JUNE 8, 2007

A joint meeting was held at the Murdock Administration Complex in Room 119, Port Charlotte, Florida. The following members were present: Chairman Loftus, Commissioner Duffy, Commissioner Moore, and Commissioner D'Aprile. Also in attendance were Mayor Friedman, Council Member Albers, Council Member Wallace, County Attorney Knowlton, County Administrator Loucks, City Manager Kunik, City Attorney Levin, and Deputy Clerk Manley. The following members were absent: Commissioner Cummings, Vice Mayor Goldberg, and Council Member Smith-Mooney.

The meeting was called to order at 9:00 AM, followed by the Pledge of Allegiance.

I. **Aqui Esta Status & Timeline Commitments Renaming Bridge in Honor of Brian Duffy**

Mayor Friedman stated that an email was received from Council Member Smith-Mooney, which indicates that while there was great respect for Mr. Duffy and his contribution to this project, she is hesitant to name public facilities and property after an individual, pointed out that in those instances when it did transpire it was after a couple years, and recommends tabling the matter for a year or so. Mayor Friedman agreed. There was consensus to table this matter to a future joint meeting closer to construction time.

Public Works Director Thomas O'Kane introduced Director of Transportation Development for the Florida Department of Transportation (FDOT) Michael Rippe. Mayor Friedman explained that it was the understanding of the bodies from previous joint meetings that Aqui Esta would be ready to proceed approximately 12 months after both bodies agreed to the new design of two lanes, and that funding would be available between July and October 2007; that the latest information indicates that it may be a year or later before construction begins; and that the purpose of this item being on the agenda is to explain what can be done about it and why the lack of communication and understanding.

Mr. O'Kane stated that last fall he told the group that they were still anticipating a final determination on the amount of money and the process that must be followed, and that no decision was expected until after the first of the year, and pointed out that no update on when construction would begin was given. Mr. O'Kane said that at the March 2007 meeting Dan Quick advised that the funds would be available from the State either in July or October 2007, but that no date of when construction would begin was given. Mr. O'Kane apologized for any misunderstanding, stated that the assumption last year was that we would go through some formality, proceed with the State to do the change order and the design, and then move forward; indicated that has not happened, that Mr. Rippe could explain the changes in the Federal requirements, and that he could show what they have to go through since last year to get to this point.

Mr. Rippe provided a brief history of the project; commented on the LAF program from which Federal dollars are funneled through FDOT down to local agencies; indicated that work-program-wise last year was a bad year; that construction dollars were moved out, then about \$6.5 million moved back in; and that county staff decided to go with the two lane section and the turns lanes, opposed to the three lane section originally proposed. Mr. Rippe stated that the Federal Government has become stricter on requirements that are on the books to be certain all requirements have been met.

Mr. Rippe explained the current requirements, and stated that the requirements did not change, just that the enforcement is more stringent.

Mr. Rippe advised that the State fiscal year begins July 1st and that the money for this project is available in the fiscal year 2007/2008, and that the funds are available after July 1, 2007. Mr. Rippe explained that all environmental permits and the like must be secured and that he believes the letting timeframe is May 2007, and indicated that FDOT will work with staff the best possible way to get this project done.

**Chairman Loftus** asked if there was a date to begin construction. Mr. O'Kane advised that the change order with the design firm is that design would be approved tentatively May 2008, and that it

normally takes 120 days after that if we get the project to the Purchasing Department in early May 2008 to go out for bids.

**Mayor Friedman** asked at what stage the design or detail documents were for the two lane version, or if it had even begun. Mr. O'Kane advised that the change order was just approved by the State last week, and that the change order is anticipated to go before the Board of County Commissioners (Board) on June 26, 2007. **Mayor Friedman** expressed concern that the project is no closer design and detail-wise than a year ago when this was discussed.

Mr. O'Kane explained that while waiting for the change order there have been meetings and showing of plans to required agencies, such as Southwest Florida Water Management District (SWFWMD), Department of Environmental Protection (DEP), and the Coast Guard, but that until we have 60% plans they are interested only in talking; that the view of those agencies is that the size of the project is being reduced from 3 lanes to 2 lanes, which makes a significant difference in how permitting goes. **Council Member Wallace** expressed concern with the memo received from Ms. Shoemaker advising that future questions regarding this project should be directed to FDOT, and asked who has the lead on this project. Mr. Loucks stated that if it were his decision to make, he would look to the City to do that because it is in the City Limits. **Council Member Wallace** stated that he does not want to go another year getting different responses, and asked about the City Manager taking the lead responsibility. **Mayor Friedman** agreed, but expressed concern with the City doing so when it has no active role in the design process or in the interfacing with the contractors.

Mr. Rippe pointed out that the current LAF agreement is with the County; that the City and County have an interlocal agreement; that as far as FDOT is concerned the County is the lead agency; that Johnson Engineering is under contract with the County; and that if a change is made there could be major delays. **Mayor Friedman** proposed that someone within the County be acknowledged as the point person with whom the City of Punta Gorda would receive communication on status or problems encountered.

**Commissioner D'Aprile** stated that this road should be put on the priority list and completed, and inquired if it was possible to

expedite the road beyond the normal procedures. Mr. O'Kane gave a brief review of what has transpired to date and stated that the difficulty is due to the fact that Federal funds are being used. Mr. O'Kane advised that there is a list for LAP projects, which previously were not required; indicated that there was something else brewing with the right-of-way; and that he does not know anything else that can be done to expedite the project. **Commissioner D'Aprile** asked about a timeline for finishing the project. Mr. O'Kane opined that it would be 1 year, then 120 days for bidding and award of contract through County process, and then 2 years after that; that there would be some facility you can operate on, but that it would be more than 3 years before the project is finished.

**Commissioner Moore** opined that the performance by the State, Federal and local County government is unacceptable; and indicated that all of these agencies are supposed to serve the people. **Council Member Albers** agreed with **Commissioner Moore** and stated that we should all be embarrassed that this project has taken so long. **Commissioner Duffy** inquired if it would help to express the frustration and displeasure of the County and City at the Federal government by sending a Resolution to our Congressmen or Senators giving a chronology of the timelines of this 7-year project. **Chairman Loftus** stated that we are all frustrated, but that on the local level the City has not had the proper notification of progress or lack of progress from the County. **Commissioner Moore** said he respects **Chairman Loftus'** comments; that when agencies above us change the rules it makes it difficult; but that there is plenty of guilt to go around.

**Council Member Wallace** agreed that some type response should be made. **Mayor Friedman** inquired if there was consensus for the two staffs to come up with a resolution, or whatever else is appropriate, for the City and County to review and present. There was consensus for Mr. Loucks and Mr. Kunik to do so. **Mayor Friedman** suggested that the County take the lead and that Mr. O'Kane be the contact person for this project.

**Mayor Friedman** summarized that the timetable has been given, that Mr. O'Kane will attempt to streamline and expedite the process, that staffs will prepare and bring before the City and County a resolution to send to Federal authorities, and that Mr. O'Kane is the official point person on this project. **Chairman**

**Loftus** reiterated that the construction documents will be completed and out for bid by May 2008; that 120 days thereafter the bid would (normally) be awarded; that construction would begin August 2008; and completed by August 2010. Mr. O'Kane said that is the present schedule. **Commissioner Duffy** asked that Mr. O'Kane assist Mr. Loucks and Mr. Kunik with the proper information needed for the Resolution/letter, gave a suggested list of those to send copies of the Resolution/letter to, and requested that Mr. O'Kane also send copies of the emails he sends to the Board to Mr. Kunik. Mr. Kunik pointed out that he and Mr. O'Kane try to keep each other informed as much as possible.

II. Affordable/Workforce Housing Summit: Discussion of focus area, participants and possible schedule (may need a sub-committee to work this and report back with recommendations)

Mr. Kunik advised that this item was initiated by **Vice Mayor Goldberg** as part of the City Strategic Plan and discussed at the last joint meeting; and that since that time Vice Mayor Goldberg has provided a comprehensive list as a starting point. Mr. Kunik stated that the idea is to review the agenda items and put together two staffs to work toward scheduling meetings around the topics that the City and County merit consideration, and to put together a countywide/citywide strategic plan on the projects after the discussions. Mr. Kunik recommended that both staffs get together to determine who should sit on the panel and schedule meetings on the topics.

**Council Member Wallace** offered support, and indicated that he talked with the Punta Gorda Housing Authority and was informed that there would be groundbreaking in the next 2 weeks. **Commissioner D'Aprile** commented on what has been done by the County on workforce housing and affordable housing, stated that he does not know what else can be done, but that they should stay on track because this is a big problem in the community. Mr. Kunik indicated that the City would take the lead on organizing. Mayor Friedman stated that he senses a consensus for Mr. Loucks and Mr. Kunik to proceed with the details.

III. Property Tax Reform Lobby Initiatives - Community  
Redevelopment Agency (CRA) Exemption

Budget Director Raymond Sandrock stated that although it is unknown for certain, it appears that the starting point would be today's revenue base, which for the County is \$156 million in property taxes; that the impact would be a 15% reduction of \$156 million, or approximately \$22 million; and would be across all ad valorem funded areas. Mr. Sandrock explained that the benefit of going through this level of detail today, even though there have been no verifications in writing, is to keep the City and County informed of what is generally being discussed and what impacts there might be.

Mr. Sandrock indicated that we all have a stake in what is being discussed on CRA's, whether it is Punta Gorda, Charlotte Harbor, or the Murdock Village Project, but that there has not been a definitive answer. Mr. Sandrock reported that issues of tiering of homestead exemption and adding non-residential and commercial property would have further impact to the property tax reduction; pointed out that nothing has been clarified and that there is no exact formula; and indicated that whatever evolves as the session moves on would be brought to the City and County.

Mr. Sandrock advised that there have been many House and Senate proposals, and that there is not clarity and specificity of how to go about completely evaluating what is being brought forward. Mr. Sandrock reported that the Joint House and Senate Committee recommended that the process of tax reform be looked at on a per capita basis, so they are developing property tax cost per capita at the State level and comparing that to each of the counties and cities at a per capita level, which is how much per person's tax has grown over 5 years. Mr. Sandrock stated that the State average is about 10%; that Charlotte County is about 20%, and is at a certain "tier" as the State ranks all counties and cities and how growth has taken place; that based upon how each county or city is ranked as to its growth over 5 years, it would experience a reduction of 5%, 10%, or 15%; and that it appears Charlotte County would fall into the highest category of 15%.

Commissioner Moore clarified that it is the rate that got us to \$156 million, not the fact that it is \$156 million. Mr. Sandrock explained that they are one and the same; that the rate drives

the revenue, but that emphasis has been on the rate and the growth of the rate per person over a 5-year period. **Mayor Friedman** commented on the aggregate versus millage rates, and indicated that if it were millage rate, it would be good for the City.

**Mayor Friedman** inquired if the State per capita increase of 10% is for aggregate ad valorem taxes or by millage rate. Mr. Sandroock stated that he thinks it is aggregate millage rates, but is not certain because of the lack of details.

Mr. Kunik agreed that it is one thing if they deal with the rates, and another if they deal with the aggregate and actual tax revenue; indicated that the County and City are preparing budgets as well as they can, but that it is difficult with so many unknowns; and pointed out the need to keep the impact of the CRA in the minds of the State and House, and stress that the CRA be left alone to stand on its own merit.

**Commissioner Moore** agreed, and expressed concern that the message is not being heard.

**Chairman Loftus** opined that the City and County should do a joint communication to the State Legislators and the Governor on the CRA's. **Council Member Wallace** agreed. **Commissioner Duffy** commented on an email from the Chambers of Commerce and community business leaders requesting that CRA's be protected. **Commissioner D'Aprile** indicated that there is a problem because it is not known what will happen; agreed that the CRA's must be protected; and inquired if the State plans must be followed. Mr. Loucks opined that it would require a super majority vote of 4 Commissioners to override the State plan.

**Commissioner D'Aprile** commented on difficulties the requirement by the State would cause; indicated that he does not want to raise taxes; but stated that the City and County must look closely at the requirements and let the State know that we do not need to be injured any more than we have since the hurricanes.

Mr. Loucks reported that prior to now all of the legislation has been geared toward homesteaded property only and would not have benefited non-homestead property, but that this legislation is structured for reductions regardless of the types of

property; opined that the State is attempting to widen the capture rate to address the issue that has been created with save-our-homes, which is a differential with the tax base; and indicated that when the final outcome is known a meeting with the Board would be scheduled. **Commissioner D'Aprile** indicated that he only wanted to point out that there are options.

**Commissioner Moore** commented on the Murdock Village CRA, and stated that driving the property assessments and property taxes down also affects the Tax Increment Financing (TIF) funds, and has the potential to blow the Murdock Village project out of the water.

**Chairman Loftus** advised that we need to address the CRA issue to the Governor and the Legislators before they take action. Mr. Loucks advised that staff intends to address the issue and have a Resolution available for the Board to adopt on Tuesday, June 12, 2007, would include the City in developing the language, keep everyone advised, and take comments from the Board and Council into consideration as the Resolution is developed. Councilmember Wallace opined that Tuesday would be too late and that the letter should be sent out today. **Chairman Loftus** requested an update from Director of Recovery Robert Hebert.

Mr. Hebert reported that there is a pre-session from 9AM to 12:00 Noon on Monday, June 11, 2007 to address what will be presented on Tuesday, June 12, 2007; and most likely the matter would be decided by Wednesday, June 13, 2007. **Mayor Friedman** indicated it probably would not make a difference even if we got something up there right away. **Council Member Wallace** indicated that an effort should be made to support saving the CRA's and advising that we are in a hurricane-recovery mode.

**CHAIRMAN LOFTUS MOVED TO APPROVE SENDING JOINT COMMUNICATION BY THE CITY AND COUNTY VIA U.S. MAIL AND EMAIL TO THE GOVERNOR, SENATORS AND REPRESENTATIVES, REQUESTING THAT THE COMMUNITY REDEVELOPMENT AGENCIES (CRA'S) BE EXEMPT FROM PROPERTY TAX REFORM, SECONDED BY COMMISSIONER MOORE.**

**Motion Carried 3:1. Commissioner D'Aprile opposing.**

**ABSENT: Commissioner Cummings.**

COUNCIL MEMBER WALLACE MOVED TO APPROVE SENDING JOINT COMMUNICATION BY THE CITY AND COUNTY VIA U.S. MAIL AND EMAIL TO THE GOVERNOR, SENATORS AND REPRESENTATIVES, REQUESTING THAT THE COMMUNITY REDEVELOPMENT AGENCIES (CRA'S) BE EXEMPT FROM PROPERTY TAX REFORM, SECONDED BY COUNCIL MEMBER ALBERS.

Motion Carried 3:0.

ABSENT: Vice Mayor Goldberg, and Council Member Smith-Mooney.

Mr. Loucks pointed out that the issue regarding the CRA's has been on the front burner from the beginning and is actively being dealt with at the Legislative level.

Mayor Friedman inquired if citizens wished to speak on Property Tax Reform, Affordable Housing, or Aqui Esta. There were no speakers on the Property Tax Reform and Affordable Housing. John McCormick commented on Aqui Esta and inquired if the County has funding available for the turnout lanes.

Mayor Friedman said at one point in time there was discussion about the Federal funds being used for the middle portion and that the City and County funds would be used for the Aqui Esta/Bal Harbor and Aqui Esta/US 41 intersections. Mr. Kunik acknowledged that the City and County have funds set aside to do the non-Federal improvements of the project. Mayor Friedman asked if it was possible to accelerate that portion to be concurrent with the Federal portion. Mr. O'Kane explained that it is all part of the same project, and commented on other factors involved.

#### IV. Commitment & Schedule to Resurface Vasco Street in Punta Gorda

Director of Public Works for the City of Punta Gorda Rick Keeney advised that the road is in need of repair but that there is a utility component involved and concerns of doing the road, then tearing it up when doing the utility. Mayor Friedman asked if Punta Gorda Utilities could commit to do the utilities now. Mr. Keeney explained that the sewer has not been designed for the area, which must be done first. Tom Jackson, City of Punta Gorda Utility Department, commented on the improvements needed, indicated that the entire area needs a master plan for sewer, and is potentially a \$15 million project. Mayor Friedman

commented on doing the design along the one area of Vasco. Mr. Jackson explained that there must be a master plan of the entire area regardless of what portion is done first. Commissioner Duffy asked if the road could be resurfaced until the remainder of the work is done.

Mr. O'Kane stated that the remaining residents of Charlotte Park would be unhappy with only that one road being done, indicated that it would be a considerable expense, and derelict in spending. **Commissioner Duffy** inquired if utilities could go along the side, and Mr. O'Kane explained what is required to do that.

Mr. O'Kane commented on other areas being done. **Mayor Friedman** asked what the potential solution was. Mr. Jackson reported that the plan we have can be initiated, and that available funding can be used to begin the design process right away. **Mayor Friedman** confirmed that the City would begin the design right away and that County and City staff would get together on proceeding. **Council Member Wallace** inquired if other roads in Charlotte Park were as bad as Vasco Street. Mr. O'Kane stated that some roads are worse, and explained the paving allocation process. **Mayor Friedman** pointed out that some streets are County and some City, and asked if the County would unilaterally work with the City. Mr. O'Kane advised that this is an MSBU area; that collections are made for road maintenance; that the County could begin programming the funds, and that there could be a rate increase; and that the MSBU committee needs to be reactivated. **Mayor Friedman** advised that the City is ready to spend the funds if the County would acknowledge that when the design is done the County would adjust its priorities. **Chairman Loftus** stated that the County is in agreement to put that on the Capital Improvement Funds and look into the MSBU of the area. **Commissioner D'Aprile** stated that the MSBU committee needs to be reactivated before commitment by the Board of County Commissioners. **Commissioner Duffy** commented on MSBU's not being increased. Mr. Loucks pointed out that it would be next year by the time this is done. Mr. Kunik advised what steps the City would take; **Mayor Friedman** indicated that the design would be for the entire area, and would depend also on annexation. Mr. O'Kane commented on timing; that to go out for proposal and do master plan is a comprehensive plan; and pointed out that the master plan is not the design. **Mayor Friedman** commented on annexing. **Council Member**

**Wallace** stated that there are water quality issues and that we should get the ball rolling.

**Commissioner Moore** inquired how long the section of Vasco Street was, and if only that section could be scoped, the pipe put in and capped, and left until the remaining construction is done. Mr. Jackson advised that it could be done, but could present complications and additional expense with the remainder of the project; stated that is not the standard engineering project; and indicated that the project would be moved along as quickly as possible. **Commissioner Duffy** agreed with **Commissioner Moore**, and expressed concern with the project dragging out such as the Aquí Esta project has done. Mr. Jackson pointed out that there are no designs to show where the pipe would go; that it seems simple, but is not so. **Mayor Friedman** agreed that the project should proceed as suggested by Mr. Kunik and Mr. Jackman. (**Commissioner Moore** out 10:25 AM - 10:30 AM.) There was no public input.

#### V. Event Center Construction Schedule: Review

Charlotte County Facilities Director Andrew Baker reported that the building would be completed by September 2008. **Commissioner Duffy** inquired if there are any updated drawings, if colors have been discussed, and who is working on that, and expressed concern that the colors match the City schemes. Mr. Baker explained that Laura Kleiss-Hoeft is working on colors and that the colors would coordinate with the downtown theme.

Mr. Loucks advised that the draft letter regarding the CRA is almost ready for the Board and Council members to review and asked that the Board and Council members stick around after the meeting to review and approve it. There was no citizen input.

#### VI. Council Member/Commissioner Comments

**Mayor Friedman** requested an update regarding the proposed interconnects.

Assistant County Administrator Roger Baltz explained the events that transpired at the Water Authority meeting; reviewed the projects that have been discussed; advised that the first part of the final motion was for neither pipeline project to be built at

this time as far as the Water Authority is concerned, and that any grant money available be used for cost overruns that are anticipated for a project called the Regional Expansion Project (REP), which is the reservoir and plant improvements being made right now. Mr. Baltz advised that in light of the fact that agreements have not been made on the other pipeline projects, the Water Authority does not want to lose the grant money, and has requested that it be applied to cost overruns. Mr. Baltz explained that the second part of the motion is for Charlotte County and Water Authority staffs to continue negotiations for a contract on the enhanced pipeline project; and that if an agreement is made, an emergency meeting would be held with the Water Authority Board, and the grant money would then be allocated to that project.

Mr. Baltz elaborated further on the two pipeline projects. **Mayor Friedman** clarified that the County/City interconnect is not a dead issue and would still be pursued. Mr. Baltz replied affirmatively, and commented on the basics of the project, costs, potential grants, and work yet to be done to make that happen.

Mr. Baltz explained that that Water Management District would like signed contracts for grant funds in place no later than July 31, 2007, and opined that it is important to everyone that opportunities for grant money not be lost. Mr. Baltz pointed out that there is an agreement in place between the City of Punta Gorda and Charlotte County for the pipeline that runs under the Peace River; that \$2.5 million is earmarked to Charlotte County for that piece; and that we want to be certain not to lose the grant money for that as well. Mr. Baltz advised that the emergency pipeline for a connection between Charlotte County Utilities (CU) and the City of Punta Gorda was a sales tax referendum item voted in by Charlotte County voters; and indicated that presently there is about \$4.6 million of County funds in the budget earmarked for pipeline projects.

**Mayor Friedman** inquired if approval of the county representatives of the Water Authority is required to approve expenditures by their respective counties toward the projects if the deadline is met. Mr. Baltz advised that the expenditure part might not be required, but that the way the projects are being put together the Water Authority would be a major party, and concurrence from the other counties through their

representation on the Water Authority Board would be necessary to approve an agreement. **Mayor Friedman** clarified that it would not necessarily entail any direct funds from the other counties. Mr. Baltz stated that there was discussion at the Water Authority Board meeting, and that there would be additional discussion in the next few weeks, about how funding would be pulled together for the remaining amount of money beyond what SWWMD would give in grant funds, but that there have been no commitments.

**Commissioner Moore** stated that the Director of the Southwest Florida Water Management District (SWFWMD) David Moore has met with the parties; that there is some complicated language; and opined that the problems will be solved. **Commissioner Moore** advised that this is regional; that it is important for the City and County to connect back and forth; that it is good for the Water Authority; that there is good funding; that we only have about 30 days to get it done; and that it is the right thing to do for all involved.

**Commissioner D'Aprile** agreed with **Commissioner Moore**, but stated that it is more difficult to make decisions on the issues because it is regional. **Chairman Loftus** agreed with **Commissioner D'Aprile**, and opined that we need to look at regionalism so that everyone joins in at one time.

**Commissioner Duffy** commented on the bridge lights and suggested having a joint celebration with the City and County when the lights are turned on. **Chairman Loftus** stated that both CRA's are working on a celebration.

**Mayor Friedman** advised that an anniversary celebration is planned by the CRA's for August 13, 2007, agreed that it was a good idea to do something coincident with the first time the lights are on, and requested that City and County staffs pursue that.

Mr. Loucks distributed copies of the CRA letter for review, which should be done prior to adjourning in case there are comments. **Council Member Wallace** asked if there should be a mention of the hurricane in the letter. **Commissioner D'Aprile** opined that the contents of the letter states what is needed. **Chairman Loftus** agreed. **Mayor Friedman** read the letter to the

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public. There was consensus for approval of the letter as drafted.

ADJOURNED 10:45 AM.

Signature on file in Commission Minutes  
Chairman

**ATTEST:**

BARBARA T. SCOTT, CLERK  
OF THE CIRCUIT COURT AND  
EX-OFFICIO TO THE BOARD  
OF COUNTY COMMISSIONERS

By: Signature on file in Commission Minutes  
Deputy Clerk

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