

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, DECEMBER 4, 2019, 9:00 A.M.**

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

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. Carlo Gargiulo, followed by the Pledge of Allegiance.

PROCLAMATIONS/PRESENTATIONS

Christmas Parade Day

Mayor Prafke presented the proclamation, which was accepted by Mr. Tony Smith, President, Charlotte County Chamber of Commerce (CCC).

Shop Charlotte Month

Councilmember Matthews presented the proclamation, which was accepted by Ms. Julie Mathis, outgoing Executive Director, CCC.

Ms. Mathis introduced Ms. Teri Ashley, incoming CCC Executive Director.

Introduction of Board/Committee Member Nominees

None.

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

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of November 20, 2019
2. A Resolution of the City Council of the City of Punta Gorda, Florida, reaffirming Resolution 1132-95 and formally adopting its Rules of Conduct; and providing an effective date.
3. A Resolution of the City Council of the City of Punta Gorda, Florida, reaffirming its policy with regard to taking action on non-agenda items; providing for

- consideration of non-agenda items only after approval by a majority plus one of a quorum of Council and to do so only for stated reasons; and providing an effective date.
- C. Legal Department
1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving a pre-annexation agreement with Levi Holding, LLC for the property generally described 3078 Cooper Street, Units 51 through 56, Charlotte County, Florida; authorizing the Mayor to execute the agreement; and providing an effective date.
 2. A Resolution of the City Council of the City of Punta Gorda, Florida, approving a pre-annexation agreement with John W. and Gloria W. DeMilly for the property generally described as 11220 Burnt Store Road, Charlotte County, Florida; authorizing the Mayor to execute the agreement; and providing an effective date.
 3. A Resolution of the City Council of the City of Punta Gorda, Florida, approving a pre-annexation agreement with Burnt Store Presbyterian Church (USA) of Punta Gorda, Inc. for the properties generally described as 26150 Angelica Road, 26021 Cuneo Road and 26041 Cuneo Road, Charlotte County, Florida; authorizing the Mayor to execute the agreement; providing an effective date.
- D. Urban Design Division
1. A Resolution of the City Council of the City of Punta Gorda, Florida, as local host agency for the Coastal and Heartland National Estuary Partnership, accepting a grant award (#2019-047) from the Charlotte County Boater Revolving Fund Grant Program; authorizing the Mayor to sign the agreement and the City Manager to administer the grant on behalf of the City; and providing an effective date.

Citizen Comments - Regular Agenda Items Only

Mr. Tom Cavanaugh spoke regarding the need for seating and shade components along the Harborwalk.

Ms. Sharon Rommel spoke regarding infestation and health problems related to 295 Belaire Court, requesting a resolution be expedited.

Ms. Lynn Harrell indicated she was a consultant to the Historic Preservation Advisory Board for their proposed Charlotte County Centennial project. She noted five adjoining counties would celebrate their centennial in 2021, suggesting there was an opportunity for joint events and marketing. She stated it was time for Punta Gorda to benefit from heritage tourism.

Mr. Joe Comeaux encouraged City Council to adopt and expand the contract with Dover, Kohl & Partners (DKP) for implementation of the Master Plan.

Ms. Margaret Bogardus, Punta Gorda Historical Society, expressed support for the historical interpretive marker project and formation of a coalition of historical organizations for development of such projects.

Mr. David Blair, Learn to Sail, expressed concern regarding construction in the area adjacent to the Bayfront Center, particularly as it related to students' safety and the boat ramp's accessibility.

Ms. Libby Curnow, Punta Gorda Garden Club, requested City Council accept the Club's Blue Star marker donation.

Ms. Linda Roberts voiced support for the historical interpretive marker projects.

Ms. Linda Moore spoke regarding the poor condition of 295 Bellaire Court, requesting City Council take action regarding the property.

BUDGET

Gilchrist Park Area 2a & 2b Harborwalk Improvements - Project Update

Mr. Mitchell Austin, Urban Design Planner, displayed a PowerPoint Presentation on the Harborwalk at Gilchrist Park, as delineated in the agenda material, explaining staff had been directed to proceed with design and construction of only the Harborwalk at the September 4, 2019 City Council meeting. He reported the Engineer of Record had submitted 90% plans along with a cost estimate. He stated \$2,600,000 had been budgeted for the original project, noting total construction and contingencies costs for the Harborwalk portion of the project were estimated to be \$1,421,767.

Councilmember Matthews inquired as to the encumbered funds for the project.

Mr. Austin replied same were for production of 100% construction plans, technical specifications and other documents for construction.

Councilmember Miller inquired as to inclusion of seating and shade.

Mr. Austin replied there were landscape plans which included minimal seating and shade amenities, noting such amenities were concentrated in the main park area.

Mayor Prafke inquired as to the previously planned seating walls.

Mr. Austin stated the seating walls had become contentious due to their potential impact on views of the water. He confirmed the seawall was at seat height.

Mayor Prafke concurred the inclusion of shade was important.

City Manager Kunik stated pergolas had been proposed previously but were not included in the combined Harborwalk project as cost estimates exceeded the 2014 estimated budget. He noted shade structures could return as a future project after the Harborwalk was completed.

Councilmember Carey confirmed a project to include shade and seating for the Harborwalk could be presented to the Local Option Sales Tax Committee.

Consensus was to do so.

Councilmember Mathews **MOVED** approval of the design and construction of only the Harborwalk project, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Abatement of Public Nuisance - 295 Belaire Court pursuant to Section 9- 4, Punta Gorda Code

Ms. Lisa Hannon, Zoning Official, announced the Code Enforcement Board had authorized the City to enter upon the subject property to abate a rat infestation, adding the property owner was to be charged with the reasonable costs of abating the violation. She stated the City's contracted exterminator provided a quote of \$460 for the placement of five tamper resistant rodent stations and service of the rodent stations two weeks following installation and every other month thereafter for a period of one year. She concluded by requesting City Council approve the contract.

City Attorney Levin provided an update on foreclosure on the property, explaining same had been delayed until a lien could be filed for the cost of abating the rat infestation. He opined it could take up to six months to complete a foreclosure; however, he would provide a more definitive timeframe at the next City Council meeting.

Councilmember Carey voiced approval of moving forward with the pest elimination.

Ms. Hannon explained the City had maintained the property's yard since 2014, noting the property was considered distressed. She stated staff had done all they could as the building on the property was not deemed structurally unsound.

City Attorney Levin noted the Code Compliance Division's power was limited when an absentee property owner did not care for the property, adding the Building Official had remedies available beyond those of Code Compliance; however, as the Building Official had not declared the structure unsafe, options such as compelled demolition were not available at this time.

Councilmember Matthews inquired as to contact with the property owner.

Ms. Hannon stated all attempts to contact the property owner in Alabama had been unsuccessful, adding notice had been posted at the property and at City Hall. She concluded staff had met the legal requirements for noticing the property owner.

Councilmember Matthews spoke in favor of taking action.

Councilmember Carey **MOVED** approval of the contract with Good News Pest Solutions to perform pest elimination at 295 Belaire Court for a period of one year, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Review of Draft Scope of Work for Revisions to Comprehensive Plan and the Creation of a Unified Land Development Code (ULDC)

Mr. Austin provided an update on development of the scopes of service under the Master Agreement with DKP to request services necessary to amend the City's 2040 Comprehensive Plan and create a form-based Unified Land Development Code (ULDC). He provided a PowerPoint presentation on form-based codes, as delineated in the agenda material, explaining same would provide predictable built results and a high-quality public realm by using physical form as the organizing principle, rather than separation of uses as in the current Land Development Regulations. He described the purpose of the Comprehensive Plan and the procedures to be followed for text amendments. He then reviewed the draft proposals to amend the Comprehensive Plan and establish a form-based ULDC, focusing on the objectives, scopes of service and anticipated timelines for final adoption of each. He noted the use of properties outside the proposed future character areas should not change. He concluded the next steps included finalizing the scopes of service, preparation of a proposal and cost estimate by DKP, negotiation of the final cost and then award of the contract.

Councilmember Cummings expressed support for proceeding with revisions.

Councilmember Matthews spoke in favor of adopting regulations for the Interstate Exchange zoning district at this time so as not to delay annexations in that area until the ULDC was adopted.

City Manager Kunik stated same could be done, noting Council had opted to delay adoption of such an ordinance previously.

Mayor Prafke confirmed regulations for the Interstate Exchange zoning district could be adopted with the understanding same would be rewritten to be consistent with the ULDC.

Mr. Austin stated same could be scheduled for the Planning Commission to review in January 2020 and City Council in February 2020.

Mayor Prafke requested the draft ordinance be provided to Council.

Councilmember Cummings **MOVED** to approve proceeding with the draft scope of work for DKP, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Blue Star Marker Placement in Veterans Park

Ms. Joan LeBeau, Urban Design Manager, explained Ms. Libby Curnow had approached staff regarding placement of a Blue Star Marker in Veterans Park, explaining the Punta

Gorda Garden Club, Inc., would purchase and maintain the sign and surrounding area; however, they requested City staff install the marker. She requested Council's approval of the placement of the marker in the location identified.

Councilmember Matthews **MOVED** approval of the placement of the marker in the location identified and installation of the sign by City staff, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Historic Interpretive Marker Project

Ms. Martha Bireda, Historic Preservation Advisory Board (HPAB) Member, introduced HPAB's proposed Historic Interpretive Marker Project (Marker Project).

Ms. Lauren Robie provided a presentation on the Marker Project, as delineated in the agenda material, explaining the intent was to promote heritage tourism, foster a sense of place, communicate the City's history and celebrate the Charlotte County Centennial in 2021 as well as fulfill the City's obligations regarding the Barron G. Collier bridge dedication plaque and historical markers pertaining to Isaac Trabue. She provided an overview of the topics for thirteen markers, all centered on the theme of "the working waterfront," and the area targeted for their installation, noting all would be aligned with the City's branding. She stated a commemorative booklet and website would be produced as well. She next drew attention to potential sources of support and a working budget for production of the markers, booklet and website, estimating a total project cost of \$51,000. She then reviewed the project's current timeline and team, concluding there were currently three partner organizations with more to be sought.

NOTE: City Attorney Levin left the meeting at 10:53 a.m.

Councilmember Carey confirmed the markers would not be placed at the locations of their subject matter, inquiring whether the actual location would be noted on the sign.

Ms. Robie stated that could be considered as the project moved forward.

Councilmember Carey suggested the use of "Q codes" be considered as an alternative to the booklets, noting costs for same were lower.

Mayor Prafke pointed out the sale agreement with Fishermen's Village included provisions regarding the development of historic markers with the Punta Gorda History Center, suggesting Ms. Theresa Murtha of the Historical Center should have been part of the project's team and should be given an opportunity to review the marker topics.

Councilmember Cummings opined the individuals working on the project were the community experts with whom Ms. Murtha would have consulted.

Ms. Bireda explained the rationale for development of the team was to gather history professionals who had completed similar projects, adding the intention was to work with additional organizations.

Mayor Prafke voiced concern the City was allowing others to develop its identity. She stressed she would not approve the project without representation from the Punta Gorda History Center.

Ms. Bireda emphasized this project had been developed by the HPAB.

Ms. Harrell provided a review of her extensive experience with the history of Punta Gorda, opining her qualifications were satisfactory. She then explained the project team would expand, noting the current focus was on researching and writing material for the booklet and markers.

Councilmember Cummings noted the City was one of the few historic cities without historical markers, pointing out receipt of grant funding from the State required the participation of professionals. He then stated the HPAB had been working on the Marker Project for months, noting individuals who wished to participate could have stepped forward.

Councilmember Matthews commented favorably on the Marker Project, agreeing the Punta Gorda Historical Center should be included in the project team.

Ms. Donna Peterman, HPAB Chair, reviewed the development of the Marker Project, explaining the HPAB desired Council's approval prior to approaching other organizations for participation in the project.

Councilmember Cummings **MOVED** approval of allowing the project to move forward, **SECONDED** by Councilmember Miller.

VOTING AYE: Carey, Cummings, Miller, Matthews

VOTING NAY: Prafke

MOTION CARRIED.

Mayor Prafke clarified she was in favor of the project but preferred it move forward with inclusion of a representative from the Punta Gorda History Center.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

Action Register Project Status

Ms. Melissa Reichert, Communications Manager, reviewed the Action Register, noting same was updated and posted on the City's website each week. She drew attention to the Hounds on Henry action item, noting two public input sessions would be held on January 17, 2020 at the dog park.

Councilmember Matthews stated certain areas in the dog park lacked sod and some users of the park were complaining the dogs were becoming muddy, noting a resident voiced dissatisfaction with the mulch.

City Manager Kunik pointed out the sod could be replaced; however, it was likely to be destroyed as it was the dry season and park usage was heavy. He agreed to further research installation of sod.

Ms. Reichert continued her presentation, reviewing progress on the Interstate Exchange zoning classification, ADA capital improvements program, Buckley's Pass dredging project, Boca Grande area drainage improvements, the Wastewater Treatment Plant capacity study and Hurricane Irma-related seawall repairs.

Mayor Prafke confirmed the Hurricane Irma-related rip rap mitigation project would be presented to the Burnt Store Isles Canal Advisory Committee.

Ms. Reichert concluded her presentation with an update on annexations. She stated the City's website informed citizens about projects throughout the City; however, they could also call the City Manager's Office to obtain additional information or to ask questions. Discussion ensued with consensus for the report to be presented quarterly.

City Manager Kunik stated the update of the capital projects would be presented at an upcoming meeting.

CITY ATTORNEY

City Manager Kunik announced the Andrew Sheets lawsuit had been withdrawn by the plaintiff.

Councilmember Matthews requested regular updates on litigation.

City Manager Kunik suggested creation of a legal action register.

Consensus was to do so.

CITY CLERK

No comment.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals

Board of Zoning Appeals - Alternate

Building Board - Alternate

Code Enforcement Board - Alternate

Punta Gorda Isles Canal Advisory Committee

City Clerk Smith announced the vacancies.

POLICY AND LEGISLATION

PRAFKE: Announced the Tree Lighting event would be held at 5:00 p.m. on Friday, December 6, 2019 with the lighting to take place at 7:00 p.m.

- Noted other activities for the upcoming weekend included the Premier Auto Auction and events related to Founder's Week.

- Stated the Christmas Parade was scheduled for December 14, 2019.

CUMMINGS: Announced the Punta Gorda History Center's Southern Supper would be held on Saturday, December 7, 2019, and Holidays around the World would be held at the History Park on December 15, 2019, and December 22, 2019.

MATTHEWS: Shared the General Manager of the Sheraton would serve as an Associate Member of the Boater's Alliance, announcing they were working on renovating the marina.

- Requested there be only one meeting in December 2020.

CAREY: Thanked staff for their efforts to address the rat infestation at 295 Belaire Court.

MILLER: Commented he was enjoying serving as a Councilmember.

CITIZENS COMMENTS

None.

The meeting was adjourned at 11:40 a.m.

Mayor

City Clerk