

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, OCTOBER 21, 2020, 9:00 A.M.**

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

CITY EMPLOYEES PRESENT: Kristin Simeone, Finance; Rick Keeney, Public Works; Charles Pavlos, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Murray; 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.

Mayor Prafke announced Mr. Joseph Pepe, Florida Department of Health (DOH) in Charlotte County, would provide an update on the COVID-19 pandemic, CP-02-2020 was a public hearing rather than a quasi-judicial public hearing, and PD-01-2020 was the second reading of an ordinance which should have been listed on the agenda under Ordinance/Resolution – No Public hearing required.

City Manager Murray read the following public comments received via email: Ms. Patti Knight requested the old power poles near Harvey Street which had been cut in half and left in place be removed; Mr. Craig Ivey provided a lengthy statement regarding public use of and parking for the Military Heritage Museum's auditorium; Ms. Kelly Frohlich requested the City provide a strong police presence and close Marion Avenue on Halloween as children would be at risk without same; Mr. Gary Skillicorn spoke in favor of employing crowd control and safety measures as appropriate for Halloween.

Mayor Prafke confirmed there was no further public comment from the audience.

PROCLAMATION/PRESENTATIONS

None.

Introduction of Board/Committee Member Nominees

Councilmember Matthews announced Mr. John Welsh was unable to attend the meeting this date due to a family medical emergency, adding he would like to continue to serve as the City's representative on the Charlotte County Marine Advisory Committee.

Mr. Pepe provided an update on COVID-19, displaying several graphs and reporting recent case statistics in Charlotte County and the City of Punta Gorda, noting the positive impact of mask wearing. He estimated a vaccine would be available for very limited distribution at the end of this year, with additional availability in the first quarter of next year. He then discussed the complexity of vaccine preparation as well

as proper storage, distribution, administration and education of the public regarding the vaccine's efficacy and safety.

Councilmember Miller inquired if Charlotte County was in a better position than most counties.

Mr. Pepe replied the County, particularly its nursing homes, was significantly impacted in the beginning but was flattening the curve.

Councilmember Carey asked if seasonal residents could return to the area.

Mr. Pepe replied there was no issue returning to Florida if it was done safely.

Councilmember Miller inquired if the positivity rate was available for the locations from which seasonal residents would be returning.

Mr. Pepe replied positivity rates were impacted by testing choices such as whether only symptomatic people were tested, stating Johns Hopkins published regional positivity rates and local health departments were likely doing so as well.

Mayor Profke inquired as to rules for food service versus other business types, noting residents had complained some restaurant workers were not wearing masks.

Mr. Pepe acknowledged same was a concern, explaining when reported, the DOH would reach out to provide education and a referral to the Florida Department of Agriculture and Consumer Services (DACS), which regulated restaurants. He stated it had more to do with the food preparation side of things, adding many retailers and food establishments had implemented mandatory mask wearing. He stated the DOH focus was on food hygiene and risk of transmission.

Councilmember Miller inquired as to mortality patterns.

Mr. Pepe replied significant underlying health issues as well as when an individual sought care impacted mortality, emphasizing it was safe for individuals to go to the doctor and the hospital. He stated the fatality rate had dropped dramatically as the median age had shifted downward.

Councilmember Carey inquired if individuals arriving from hotspots were still advised to quarantine.

Mr. Pepe replied in the negative; however, the advice is for individuals who have been in a high risk area or have been exposed to a known case, they should isolate themselves for 14 days, adding COVID-19 was so widespread, the assumption was it could be anywhere; therefore, people who may have been exposed and feel they were high risk, they should isolate and get tested and seek care. He stated the DOH had established a call center and could assist individuals who were concerned about their ability to travel.

QUASI- JUDICIAL PUBLIC HEARINGS

NOTE: CP- 02- 2020 was heard following ZA- 02- 2020.

CP- 02- 2020 An Ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map changing the Future Land Use Map designation from Highway Commercial Corridor (HCC/CITY) to High Density Residential/City (HDR/CITY) for 22.80 +/- acres lying in Section 21, Township 41 South, Range 23 East, being a part of the property described in Official Records Book 3642, Page 473, Charlotte County Public Records and being further bounded and described in Exhibit "A" attached hereto; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Ms. Lisa Hannon, Zoning Official, offered to answer questions.

Mayor Prafke noted residents had commented the requirements were being changed for the subject property even though the project had not been approved at this time.

A brief discussion ensued regarding the approval process for Comprehensive Plan amendments and Planned Developments, with Mr. Mitchell Austin, Chief Planner, City Attorney Levin and Ms. Geri Waksler, the applicant's representative, commenting this request was being made in order to give the applicant the ability to develop the property and concurring the process required change of the land use designation prior to rezoning.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of CP-02-2020, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

NOTE: PD- 01- 2020 was an Ordinance not requiring a public hearing and was heard following PD- 02- 2020

PD- 01- 2020 An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 22.80 +/- acres lying in Section 21, Township 41 South, Range 23 East, being a part of the property described in Official Records Book 3642, Page 473, Charlotte County Public Records and being further bounded and described in Exhibit "A" attached hereto; from its current zoning classification of Highway Commercial/City (HC/CITY) to Planned Development Neighborhood/City

(PDN/CITY); providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Matthews **MOVED** approval of PD-01-2020, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

NOTE: PD- 02- 2020 was heard following CP- 02- 2020.

PD- 02- 2020 - An Ordinance of the City of Punta Gorda, Florida amending Ordinance No. 1904- 18 as amended by Ordinance No. 1919- 19, which approved the Planned Development for 4.02 +/- acres generally described as 900 West Marion Avenue, Punta Gorda, Florida, to permit public events at an existing auditorium; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin swore in all participants and read the ordinance by title.

Ms. Hannon entered the staff report into the record in its entirety by reference, reviewing staff's findings and conclusions for the proposed amendment which would allow public events to be held at the auditorium located on the property. She noted the existing parking under the building and overflow parking in front of the property would provide sufficient parking for the use. She explained Fishermen's Village (FV) also provided golf cart valet service from the 1200 West Retta Esplanade property parking lot which served as additional overflow parking for the facility. She stated FV also owned the adjacent property located at 1000 West Marion Avenue, which included 6 formal parking spaces as well as informal parking. She reported staff had no recommended conditions of approval except overflow parking needed to be formalized in the future, and if the use for parking was advertised, it must be formalized for accessibility. She concluded staff and the Planning Commission recommended approval of the request.

Councilmember Matthews disclosed she was a member of the Military Heritage Museum (MHM) Board of Directors, pointing out the request came from FV rather than the MHM. She stated she had nothing to do with the contract for the Executive Director nor signing of the lease agreement with FV. She then spoke on the importance of holding public events in the auditorium to the MHM's continued operation.

Mayor Prafke inquired as to the timeframe for additional parking.

Ms. Hannon replied with uncertainty; however, staff anticipated the request would move forward in the near future.

Ms. Patti Allen, applicant's representative for 900 West Marion Avenue, offered to answer questions, expressing optimism a plan to combine the subject property and the adjacent property would be presented to City Council in the near future.

Councilmember Carey expressed hesitance to pressure the applicant into constructing a parking lot at this time.

Ms. Allen explained FV and the MHM had worked together to eliminate parking overflow onto West Retta Esplanade, and there had been no further issues related to same due to events since that time. She added most MHM events were in the evening when FV was not busy and had plenty of parking available.

Mr. Gary Butler, MHM Director, spoke at length regarding the Museum's activities, funding and difficulties as a result of COVID, thanking Council for their consideration.

Ms. Rex Koch remarked the MHM needed community cooperation to be successful.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of PD-02-2020, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

NOTE: CP- 02- 2020 was a Public Hearing rather than a Quasi-judicial Public Hearing and was heard following Mr. Pepe's update on COVID- 19.

ZA- 02- 2020 - An Ordinance of the City Council of the City of Punta Gorda, Florida, amending Chapter 26, "Land Development Regulations", Article 8, "Standards of General Applicability", Section 8.14 "Structures and Uses Limited in Yards", of the Punta Gorda Code, by adding a new subsection (I), to provide for planters in rear yards; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Hannon stated this was brought to City Council due to three interrelated trends in home and pool design, explaining same was geared toward creating a step-less environment with uninterrupted views and relatively flat back yards as well as reducing Flood Insurance premiums by exceeding Base Flood Elevation requirements. She then reviewed current construction requirements which conflicted with these trends and solutions as well as the disadvantages of each solution. She explained the request would allow planters to encroach up to two feet into the required rear yard, clarifying the structures would be limited to a maximum height of twenty-nine inches below the

elevation of the adjacent pool deck, patio or structure. She concluded Urban Design staff recommended approval. She displayed two photographs depicting examples of the design solution.

City Attorney Levin stated the issue to be addressed was the potential to fall off a pool deck without a pool cage from a distance greater than 29 inches, explaining the planter would provide an area for a safer landing.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of ZA-02-2020, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

A. City Clerk's Department

1. Approval of Minutes: Regular Meeting of September 23, 2020
2. Approval of Minutes: Special Meeting of September 30, 2020
3. Approval of Minutes: Regular Meeting of October 7, 2020

B. Urban Design Division

1. A Resolution of the City Council of the City of Punta Gorda, Florida, adopting the Charlotte County/City of Punta Gorda Local Mitigation Strategy as the formal guide for City of Punta Gorda hazard mitigation activities.
2. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Amended and Restated Interlocal Agreement between Charlotte County and City of Punta Gorda for Preparation, Implementation, and Administration by Charlotte County of the City of Punta Gorda's State Housing Initiatives Partnership (SHIP) Program; authorizing the Mayor to execute the Interlocal Agreement on behalf of the City; and providing an effective date.
3. A Resolution of the City Council of the City of Punta Gorda, Florida, as local host agency for the Coastal & Heartland National Estuary Program (CHNEP), accepting funding from the Florida Department of Environmental Protection for implementation of the fiscal year 2021 CHNEP Work Plan and budget; authorizing the city manager to sign the grant agreement and administer the

grant on behalf of the city; appropriating grant award; and providing an effective date.

BUDGET

Approval of Award to Palm Peterbilt Truck Centers of Ft. Lauderdale, FL for four (4) Low Entry, Rear Load Refuse Trucks.

Ms. Anne Heinen, Procurement Manager, explained the Sanitation Division had requested four new refuse trucks, noting the total lump sum cost for the lowest responsive bidder was \$986,978, which included extended warranties. She stated upon issuance of a notice to proceed, the delivery timeline for the four vehicles was July 2021, concluding staff was seeking City Council's approval to piggyback on the Florida Sheriff's Association (FSA) contract and award the purchase of the vehicles to Palm Peterbilt Truck Centers of Fort Lauderdale, Florida.

Councilmember Matthews questioned why workers removed bags from the carts to throw them in the truck instead of using the automation, pointing out the trucks were purchased for the safety of the workers and to reduce the City's Worker's Workers' Compensation Claim expenditures.

Ms. Petkus agreed to remind workers again about proper use of the equipment.

Councilmember Matthews **MOVED** approval to piggyback on the FSA's contract for purchase of four sanitation vehicles and to award the purchase to Palm Peterbilt Truck Centers, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Approval of Amendment #1 to Agreement R2014104/SVC- RECYCLING/1516 with Waste Management Inc. of Florida.

Ms. Heinen stated the amendment had been revised to reflect City Council's discussion at the October 7, 2020, meeting, noting same allowed the City to terminate the agreement for any reason by giving 120 days written notice to the contractor. She stated the contract also allowed either the City or the contractor to cancel the balance of the contract if a mutually agreeable upon price adjustment could not be reached.

Councilmember Matthews **MOVED** approval of Amendment 1 to the Recycling Agreement with Waste Management, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

NOTE: A short break was called at 10:35 a.m.

Status Report on the City of Punta Gorda Parks & Recreation Master Plan 2020

Update

Ms. Fabiana Solano, Urban Design Intern, via Zoom, drew members' attention to the Parks & Recreation Master Plan Status Update, noting the General Survey, which was shared on multiple social platforms from June to September 2020, generated 354 responses, providing a brief overview of same. She then reviewed the Parks & Recreation Master Plan 2020 Timeline, noting final adoption was anticipated in June 2021.

Mayor Prafke recalled neither Burnt Store Meadows nor Burnt Store Isles residents had been interested in having a park in their neighborhood in the past.

Ms. Solano concluded an Executive Summary, which would highlight and explain the survey, would be shared with City Council in approximately two weeks.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Murray relayed a positive comment regarding recent work performed by Right-of-Way staff, complimenting all staff on their accomplishments.

Councilmember Matthews requested Facebook posts be shared with City Council prior to being published.

CITY ATTORNEY

City Attorney Levin reported the attorneys for Winter Park Dodge/Plattner had filed a Proposal for Settlement, noting the City's attorney in this case, Ms. Regina Kardash, Esq., Persson, Cohen, Mooney, P.A., had requested an Executive Session/Shade Meeting be held on November 4, 2020, immediately following the regular City Council meeting in order to discuss strategy in this matter.

Councilmember Matthews voiced concern regarding the length of time it was taking to resolve this matter, questioning how many offers must be considered.

City Attorney Levin replied there was no limit to how many times the defendant could make a settlement offer, pointing out the City Attorney was obligated to present same to City Council. He stated this was the first time the defendant had made a proposal pursuant to the statutory provisions; therefore, although the offer could be rejected, it must at least be considered.

Councilmember Carey **MOVED** approval of holding a shade meeting as requested by the City Attorney, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

BOARDS AND COMMITTEES

Announcement of Vacancies

General Employees' Pension Board

Board of Zoning Appeals Alternate (2)

Building Board - Alternate

Utility Advisory Board

City Clerk Smith announced the vacancies.

Nominations

Charlotte County Marine Advisory Committee

Councilmember Matthews **MOVED** to select Mr. John Welsh as the City's nominee to serve as the City's representative on the Committee, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Punta Gorda Isles Canal Advisory Committee

Councilmember Cummings **MOVED** to nominate and reappoint Mr. Jake Dye, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Councilmember Carey inquired as to the reorganization meeting date.

City Clerk Smith advised after a brief discussion with the City Attorney, it was agreed that despite the conflicting language in the Charter, the reorganization meeting and swearing in could be held during the November 4, 2020, City Council meeting as all candidates were unopposed; thus, there were no election results to be certified for the November 3, 2020, General Election.

Councilmember Matthews confirmed Councilmember photographs would be taken prior to the start of the meeting.

City Clerk Smith confirmed Councilmembers were amenable to their photos being displayed in the City Hall lobby.

POLICY AND LEGISLATION

PRAFKE: Suggested City Manager Murray could provide feedback and observations to City Council after he had served for three or four months.

Consensus was for the City Manager to do so.

City Manager Murray agreed, noting it was important to keep moving things forward.

- Wished everyone a festive Halloween, asking trick-or-treaters to remain in their own neighborhood for safety.

CUMMINGS: Wished everyone a safe Halloween.

MATTHEWS: Encouraged everyone to vote in the upcoming General Election.

MILLER: No comment.

CAREY: Noted it was Chamber Appreciation Day, requesting citizens support the Chamber by supporting local businesses and wearing a mask.

CITIZENS COMMENTS

None.

The meeting was adjourned at 11:18 am.

Mayor

City Clerk