

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, APRIL 21, 2021, 9:00 A.M.**

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

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

Mayor Matthews called the meeting to order at 9:00 a.m.

Invocation was given by Mr. Bill Frank, followed by the Pledge of Allegiance.

Mayor Matthews announced the City's mandatory mask ordinance would expire on April 30, 2021.

PROCLAMATION/PRESENTATIONS

National Volunteer Week

Councilmember Cummings presented the proclamation, which was accepted by Mr. Jason Ciaschini, Police Department.

Medical Laboratory Professionals Week - Read Only

Mayor Matthews read the proclamation into the record.

Hibiscus Day

Mayor Matthews presented the proclamation, which was accepted by Ms. Dianne Munson.

Introduction of Board/Committee Member Nominees

There were none.

City Manager Murray read the following public comments into the record: Mr. Al Covington wrote regarding excessive speed of boats in the canals and minimum wake; Meses. Sue Krasny, Heather Graham and Penny Kapin requested the City's mask mandate be continued; Messrs. Bob Filkins, Joe Todisco, and W. K. Heckathorn and Ms. Maria Brasileiro requested the mask mandate be allowed to expire.

ORDINANCE/RESOLUTION

No Public Hearing Required

A Resolution of the City Council of the City of Punta Gorda, Florida (the "City") amending City Council Resolution No. 3351- 18 to authorize an amendment of that certain Non- Revolving Line of Credit Agreement (the "Agreement") between the City and Regions Capital Advantage, Inc. dated May 9, 2018 to extend the date to make drawings thereunder through and including June 30, 2023 and an amendment to the City of Punta Gorda, Florida Line of Credit Note, Series 2018

(the “Note”) to extend the maturity date to July 1, 2024; authorizing the execution and delivery of an amendment to the Agreement; authorizing the execution and delivery of an Allonge to the Note; authorizing the proper officials of the City to take all actions and do all other things deemed necessary or advisable in connection with the transactions contemplated by this resolution; and providing for an effective date.

City Attorney Levin read the resolution by title only.

Ms. Kristin Simeone, Finance Director, explained the current line of credit draw period for the Hurricane Irma seawall project was set to end April 30, 2021; however, as a result of permitting delays for the rip-rap hazard mitigation portion of the project, the City would like to extend the current line of credit draw period through June 30, 2023, and extend the maturity date to July 1, 2024, with all other terms remaining the same. She explained there were no fees on the line of credit, confirming closing costs would be funded using Punta Gorda Isles Canal Maintenance Assessment District funds.

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

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Councilmember Prafke pulled Items B1 and B2.

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

MOTION UNANIMOUSLY CARRIED.

ITEM #B1: **Councilmember Prafke** inquired as to the City Attorney contract language related to the automatic renewal clause. She pointed out the City Attorney reported to City Council; therefore, the clause should include notification of City Council.

Mayor Matthews suggested a new contract be drawn up to incorporate Councilmember Prafke’s suggestion and to update the dates in the term of employment.

Discussion ensued regarding the contract language and legal fees.

Mayor Matthews suggested if legal expenses continued to rise, City Council might want to consider investigating hiring full-time legal counsel.

Councilmember Carey pointed out City Attorney Levin was part of a large diverse firm which practiced and provided assistance in a variety of areas, expressing concern costs could be higher without those resources.

Councilmember Prafke **MOVED** approval of Item B1 subject to the contract language related to notification of City Council and the contract dates being updated, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

ITEM #B2: Councilmember Prafke inquired as to the Mueller vs City of Punta Gorda case which stated the City continued to seek indemnification from the Punta Gorda Boat Club, noting the Boat Club's insurance company was unwilling to comply, which was unacceptable.

Mr. Jeff Payne, Human Resources, stated the City's attorneys intended to file suit against the Boat Club to recoup the fees.

Mayor Matthews confirmed the City's contract included a hold-harmless agreement.

Councilmember Prafke stated the City should not be leasing property to an organization which could not indemnify the City.

City Attorney Levin stated the City's agreement was well written, expressing uncertainty how the City could better protect itself.

Councilmember Carey questioned whether the City could terminate the contract since the Boat Club was not meeting the terms of same.

City Attorney Levin responded affirmatively.

Councilmember Prafke **MOVED** to direct the City Attorney to seek enforcement of the provisions of the Boat Club's lease, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

- A. City Clerk's Department
 - 1. Approval of Minutes: Regular Meeting of April 7, 2021
- B. Legal Department
 - 1. Renewal of City Attorney Agreement
 - 2. Monthly Litigation Report
 - 3. Invoice of Persson & Cohen, P.A. for legal services rendered in March 2021
 - 4. Invoice of Allen, Norton & Blue, P.A. for legal services rendered in March 2021
- C. Finance Department
 - 1. Account Receivable Write-offs for Escheated Properties
- D. Urban Design Division
 - 1. FL0022 - Historic Preservation Grants for the AC Freeman House
- E. Police Department
 - 1. A Resolution of the City of Punta Gorda, Florida, approving the Memorandum of Understanding between the Punta Gorda Police Department and Florida Department of Law Enforcement relating to the facilitation of incident

investigations; authorizing the Chief of Police to sign Memorandum of Understanding on behalf of the City; and providing an effective date.

F. Public Works Department

1. Donation of Surplus Concrete Materials to the Charlotte County Artificial Reef Project

BUDGET

Award of Agreement to CROM Coatings and Restorations, a division of CROM, LLC, of Gainesville, Florida for interior coating of the two sewage equalization tanks at the Master Pumping Facility

Ms. Julie Rogan-Sutter, Procurement, explained CROM, LLC, was the sole responsive bidder, noting Procurement had secured a discount of \$12,398 per tank bringing the initial bid to \$482,800. She stated the savings would be applied to the cost of the required independent inspections which were estimated at \$20,000, requesting Council approval of same along with a contingency budget of \$25,600, bringing the total bid for the project to \$528,400. She reported the project timeline for completion was 170 consecutive calendar days after issuance of a notice to proceed, concluding staff was requesting approval of the appropriation of funds and also recommended award of the agreement.

Councilmember Miller inquired whether the cost was reasonable given there was only one bidder.

Ms. Rogan-Sutter expressed difficulty gauging same, stating CROM, LLC, was a reputable company.

City Manager Murray explained the costs were not unreasonable, noting the 5-year, 100% warranty.

Councilmember Miller questioned if the costs were budgeted for the project.

Ms. Rogan-Sutter responded \$413,400 was budgeted and the remaining \$115,000 would be transferred from the utilities construction contingency fund.

Councilmember Prafke **MOVED** approval of Award of the Agreement to CROM Coatings and Restorations and appropriation of the funds, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Approval to Piggyback the National Association of State Procurement Officials (NASPO) Contract for Fuel Card Services

Ms. Anne Heinen, Procurement Manager, explained the City had been piggybacking the State of Florida's contract for fuel card services; however, the State had elected to join the NASPO value point contract by execution of a participating addendum. She

explained same allowed municipalities to join, noting Procurement was requesting the City do so. She stated the contract had an initial term of four years with the option of five, one-year renewals, adding there was no change to the vendor or the rebate of 1.7%. She stated the City also qualified for two additional rebates, concluding staff recommended approval.

Councilmember Prafke **MOVED** approval of the request, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Property Acquisition for Corto Andra/Boca Grande Drainage Improvements Project

City Attorney Levin explained the need to acquire property for the project. He noted staff was seeking City Council approval of the vacant land contract and the purchase of 310 Palmera for \$20,000, indicating this contract, when approved, would be provided to the other remaining property owner in an attempt to avoid the eminent domain proceedings presently on hold.

Mayor Matthews commented the request for funding for the Boca Grande drainage improvements were still on the State's budget agenda.

Councilmember Prafke **MOVED** approval of the vacant land contract and the purchase of 310 Palmera, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Community Budget Input

Ms. Simeone stated due to COVID-19, staff was again asking the public to provide input via email, noting a few comments had already been received.

Mayor Matthews suggested the local Chambers of Commerce be invited to comment.

UNFINISHED BUSINESS

No items.

NEW BUSINESS

21- 162580 - East Side Home Town Reunion, June 19, 2021

Ms. Lisa Hannon, Zoning Official, explained the request to close Mary Street from East Charlotte Avenue to Ida Avenue for vendors as well as a portion of Showalter Avenue from Cooper Street to Mary Street for the referenced one day event, noting staff recommended approval provided all public safety concerns were addressed. She stated the maintenance of traffic plan was received and the name New Operation Cooper Street (NOCS) had been removed from the contract. She stated COVID-19 protocols were in place.

Mayor Matthews recalled prior discussion requiring events of this kind to be attached to a local business.

Ms. Hannon responded that provision was not yet in place, noting the event manual with the revised street closure policy would be discussed at the April 23, 2021, Development Review Committee meeting.

Councilmember Carey questioned if impacted businesses had been notified of the street closure.

Ms. Hannon replied the applicant had been reminded to do so.

Mayor Matthews questioned if a business affiliation could be a criterion for approval. City Attorney Levin replied affirmatively.

Councilmember Carey opined doing so would be unfair since the permit was applied for in good faith based on the existing event manual.

City Attorney Levin advised City Council had full discretion and was not hampered by the fact that the policy was not yet finalized in the manual.

Ms. Sheri Carr, applicant, stated she complied with every requirement to obtain the permit, adding if a business affiliation was needed, she would comply; however, she felt it was unfair.

Councilmember Prafke inquired as to the event's origination.

Ms. Carr responded she was an event planner, noting many successful people who had left the area wished to come together and bring joy to the community. She stated she was given permission to use NOCS for the application but had to resubmit same without their affiliation because the event fell on Florida's Emancipation Day, and NOCS did not desire any large Black gatherings.

Mayor Matthews expressed desire to include a condition for the applicant to affiliate with a local business.

Councilmember Carey called the question.

Councilmember Cummings voiced confidence the applicant could identify a business affiliation.

City Manager Murray inquired if the affiliated business needed to be adjacent to the street closure or in the general area of the closure.

Ms. Hannon replied same had not yet been determined.

City Attorney Levin advised an appropriate motion would be whether to enforce the policy for an event to be associated with a local business before the event manual was officially adopted.

Councilmember Carey **MOVED** to accept the application for Event Permit 21-162580 based on the existing event manual, **SECONDED** by Councilmember Cummings.

VOTING AYE: Carey, Cummings, Miller, Prafke.

VOTING NAY: Matthews.

MOTION CARRIED.

Councilmember Carey **MOVED** approval of Event Permit 21-162580 contingent upon the recommendations made by staff, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

21- 163238, Leroy's Kickoff to Summer Fundraiser, May 28, 2021, 201 West Marion Avenue.

Ms. Hannon explained the event organizer's request to close a small portion of Sullivan Street from West Marion Avenue to the second entrance of the car wash, noting staff recommended approval provided all public safety concerns were addressed and the maintenance of traffic plan was approved.

Mr. Lee Richardson, applicant, stated Leroy's held a fundraising event each year, noting this year's event would benefit the Gary Sinise Foundation.

Councilmember Carey confirmed Mr. Richardson was aware businesses would be granted only one street closure each year.

Councilmember Cummings **MOVED** approval of Event Permit 21-163238 contingent upon staff's recommendations, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Request for extension of special exception approval for SE- 01- 19 at 751 W. Retta Esplanade

Ms. Hannon announced staff had received a request to extend Special Exception approval for SE-01-19 for one year for a bed and breakfast inn use at the referenced location, explaining special exceptions terminated if the approved use did not begin or had ceased within two years. She stated construction and rehabilitation of the structure had been delayed by litigation and the COVID-19 pandemic.

City Attorney Levin stated the procedure related to extension of a special exception did not require a public hearing, adding it was within City Council's sole discretion to determine whether to grant same.

Councilmember Carey inquired if the extension was requested to convert the structure into a bed and breakfast or if the location was a convenient place to offer employee parking.

Ms. Patti Allen replied the staff who had been working on the remodel had left approximately one year ago, adding the intent was to construct a bed and breakfast.

Councilmember Prafke stated her comments were directed at ATA Fishville rather than Ms. Allen who was a well-respected pillar of the community. She voiced concern

regarding 900 West Marion Avenue, which was currently in significant disrepair, adding there was no reason the windows should not have been replaced at this point. She opined COVID-19 was not the problem as there had been numerous building permits issued during the past year. She expressed desire to see a plan for completion in order to grant an extension, requesting this item be continued to the next Council meeting to allow time for submission of same.

Mayor Matthews concurred, requesting the applicant submit a timeline.

Councilmember Cummings voiced concern regarding a delay would contribute to blight, adding it was important for the applicant to respect the community.

Mayor Matthews inquired if City Council could include a condition of approval to require completion within one year or some reasonable degree of progress.

City Attorney Levin replied it would be appropriate to request the applicant to present a plan and a timeline, noting the current Special Exception expired June 26, 2021.

Ms. Allen stated she did not disagree about the appearance of 900 West Marion Avenue; however, windows and sliders had been installed, and improvements would be apparent when work on the outside of the structure began in May 2021. She stated she took Council's comments to heart; however, she disagreed that COVID-19 had no impact on progress, adding ATA Fishville had wonderful plans and had acquired several properties for projects; however, the process to connect mass properties was lengthy. She stated she had contacted staff and ATA Fishville was negotiating with an attorney to assist them with the Planned Unit Development. She stated much money had been invested and completed projects included Phase I, major renovations to the suites, the Harborwalk and the addition of two restaurants. She requested City Council reconsider, concluding a plan of action on the timetable could be provided within approximately the next month.

Councilmember Cummings recommended approving the extension contingent upon a plan being provided to the City within a certain timeframe.

Councilmember Prafke **MOVED** to continue this matter to no later than May 19, 2021, to allow Fishermen's Village to provide a project plan and a timeline, **SECONDED** by Councilmember Miller.

Mayor Matthews confirmed there would be no changes to the exterior except for paint and landscaping, inquiring as to the interior changes and the timeframe for same.

Ms. Allen replied she would need to obtain the answers.

Councilmember Carey stated it was a dangerous precedent to start asking businesses to justify themselves, noting City Council spoke of being business friendly. She stated she understood this was a special circumstance; however, she was not comfortable

asking these questions. She opined it was necessary to deal with the trees and leave the weeds to ATA Fishville.

VOTING AYE: Matthews, Miller, Prafke.

VOTING NAY: Carey, Cummings.

MOTION CARRIED.

City Manager Murray clarified City Council was asking for a timeline and general information on what would be done and when.

City Attorney Levin pointed out submission of an application for a permit would prevent termination of the special exception, concluding City Council was looking for a timeline as to when a permit application would be submitted.

Councilmember Carey voiced concern City Council was not taking into consideration the current construction climate which was experiencing delays in services and delivery of materials.

City Attorney Levin clarified Council was looking for justification for extending the special exception, adding at this time it appeared to be insufficient. He opined City Council would not be restrictive in terms of a mandate for maintaining the special exception. He advised if necessary, a further extension could be requested, noting if opportunities for further extensions were exhausted, the applicant could reapply for the special exception.

Councilmember Miller concurred with the City Attorney.

City Attorney Levin pointed out the special exception specified a date for the permit to be acquired rather than a date for the project to be completed.

Discussion ensued regarding the special exception process, particularly as it related to termination and extension of a special exception.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

Economic Development Team Designation

City Manager Murray requested City Council to designate an official Economic Development Team within the municipality, explaining such a designation would allow confidentiality of certain information relating to private corporations or partnerships considering relocation or expansion of their business activities. He stated the Team would consist of the Director of Urban Design, Finance Director, Assistant City Manager, City Manager and other appropriate department heads and their designees, adding it would be desirable to have an elected official as a liaison, which was typically the Mayor.

Councilmember Prafke **MOVED** approval of the designation of an Economic Development Team within the City as per State Statute, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

City Manager Murray then commended Fire Department Lieutenant Jeff Wright and Ms. Jenna Blackway, Public Works Executive Assistant, for their response to an emergency near Mr. Wright's home.

Mayor Matthews requested same be included in the Weekly Highlights Report.

City Manager Murray announced this would be the last City Council meeting for Ms. Macalle Finkle, Paralegal/Assistant to the City Manager, thanking her for her time and effort. He then announced Ms. Kylee McGloin would be taking on the role of Assistant to the City Manager.

Councilmembers thanked Ms. Finkle for her service, dedication and hard work, noting she would be missed.

CITY ATTORNEY

City Attorney Levin stated City Council's earlier motion immediately implemented and authorized City Manager Murray to establish the Economic Development Team, suggesting a resolution be adopted regarding same in the near future. He then commented Ms. Finkle had been invaluable to the Legal Department and would be missed.

CITY CLERK

Announcement of Vacancies

Board of Zoning Appeals Alternate (2)

Donation Review Committee

Code Enforcement Board – Alternate

City Clerk Smith announced the vacancies.

Nominations

Donation Review Committee

Councilmember Cummings **MOVED** to nominate and reappoint Ms. Janet Watermeier, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Utility Advisory Board (2)

Councilmember Prafke **NOMINATED** all interested parties.

Building Board – Consumer Advocate

Councilmember Prafke **MOVED** to nominate and appoint Ms. Juliet Merolla, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Punta Gorda Housing Authority

Councilmember Carey **MOVED** to nominate and reappoint Ms. Jane Allison and Ms. Jacqueline Benjamin, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Appointments

Firefighters' Pension Board

Voting forms were distributed.

Mr. David Baird received the most votes and was thus reappointed to the Board.

General Employees' Pension Board

Voting forms were distributed.

Mr. Harry Bartell received the most votes and was thus reappointed to the Board.

Historic Preservation Advisory Board - 2 Alternates

Voting forms were distributed.

Mr. David Perry and Ms. Lucille Ponte received the most votes and were thus appointed to the Board.

Utility Advisory Board

Voting forms were distributed.

Mr. Derek Rooney received the most votes and was thus appointed to the Board.

POLICY AND LEGISLATION

MATTHEWS: Announced the street next to City Hall would be closed at 12:00 p.m. on May 6, 2021, for a National Day of Prayer event, noting the Economic Development Partnership and Tourism Development Council also had luncheons scheduled that date.

- Announced the Florida Senate's bill related to vacation rentals had stalled and was not expected to move further.
- Explained businesses could continue to enforce mask rules after the City's ordinance expired on April 30, 2021.
- Thanked everyone for their support following her family's tragedy.

MILLER: Suggested the Weekly Highlights Report include information about what would still be in place following the mask ordinance sunseting.

- Announced he would not run for City Council due to health concerns.

CAREY: Stated Councilmember Miller would be missed and wished him the best.

PRAFKE: Stated serving with Councilmember Miller had been a pleasure.

- Commented the Tourist Development Council provided an excellent presentation on data mining.

CUMMINGS: Commented positively on serving with Councilmember Miller.

- Noted the Charlotte County (County) government would know if a person viewed one of their ads and then visited the County.
- Requested to schedule a meeting between City staff and the Historic Punta Gorda Civic Association to discuss drainage issues in the area around Berry Street.

Mayor Matthews commented a citizen had requested that all houses under construction have active electricity once a house was under roof in order to eliminate noise and fumes from generators.

CITIZENS COMMENTS

No further comments.

The meeting was adjourned at 11:38 a.m.

Mayor

City Clerk