

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, FEBRUARY 7, 2018, 9:00 A.M.**

COUNCILMEMBERS PRESENT: Cummings, Keesling, Matthews, Prafke

COUNCILMEMBERS EXCUSED: Wein

CITY EMPLOYEES PRESENT: Dave Drury, 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 Keesling called the meeting to order at 9:00 a.m.

Invocation was given by Mr. John Burrage, followed by the Pledge of Allegiance.

PROCLAMATIONS/PRESENTATIONS

St. Vincent de Paul Day

Councilmember Matthews presented the proclamation, which was accepted by Mr. Richard Collins.

Florida Master Gardener Awards of Excellence Florida – Friendly Landscaping

Councilmember Prafke introduced Ms. Wendy Wilbur, University of Florida.

Ms. Wilbur described the Parks That Teach Program, noting 300 people had received training. She then presented the Award of Excellence to Ms. Donna Worthy.

Recognition for Lifetime Achievement – Dr. Marianito (Mark) Asperilla, M.D.

Mayor Keesling presented a plaque to Dr. Mark Asperilla in appreciation for his lifetime of service, both locally and internationally, followed by commendations from numerous members of the community, Councilmembers and other elected officials.

Dr. Asperilla spoke regarding the creation of the Virginia B. Andes Clinic and the need to help those in the community who were underserved and in desperate need.

Introduction of Board/Committee Member Nominees

Mr. James Lawson introduced himself as a nominee for the Punta Gorda Housing Authority.

Mr. John Tiller introduced himself as a nominee for the General Employees' Pension Board.

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

PUBLIC HEARINGS

GA-01-18 – An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 7, “Building Regulations”, Article V, “Floodplain Management Code”, Section 304, “Manufactured Homes” and Technical Amendment to the Florida Building Code R322.2.1, “Elevation Requirements”, to increase the minimum elevation for buildings and structures in flood hazard areas pursuant to the Florida Building Code; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title only.

Mr. Randy Cole, Building Official, announced the latest revision to the Florida Building Code, effective January 1, 2018, required an additional 1 foot of elevation above base flood elevation. He explained the proposed amendments were required in order to be in conformance with the Florida Building Code.

Councilmember Matthews clarified the amendments would apply to all structures.

Mayor Keesling called three times for anyone to speak on GA-01-18.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of GA-01-18, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

(No Public Hearing Required)

Citizen Comments – Ordinances/Resolution Items Only

There were none.

A Resolution of the City Council of the City of Punta Gorda, Florida, creating a Donation Review Committee; approving bylaws governing the function and procedures of the Donation Review Committee; and providing an effective date.

City Attorney Levin read the resolution by title only.

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

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments – Consent Agenda Items

There were none.

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of January 17, 2018

C. City Manager's Department

1. Addendum to City Manager Re-Employment Agreement
2. A Resolution of the City Council of the City of Punta Gorda, Florida appointing an Alternate Board Member to the Public Risk Management of Florida (PRM) Group Health Trust; and providing an effective date

D. Legal Department

1. Invoice of Allen, Norton & Blue, P.A. for Annual Retainer Fee (12/1/2017-11/30/18)
2. Invoice of Persson & Cohen, P.A. for services rendered in January 2018
3. Monthly Litigation Report

E. Urban Design Division

1. Event Permit #18-145751 - iHeart Media Peace River Seafood Festival; Laishley Park, March 3 & 4, 2018
2. A Resolution of the City Council of the City of Punta Gorda, Florida, as local host agency for the Charlotte Harbor National Estuary Program, accepting funding from the Florida Department of Environmental Protection for implementing the Fiscal Year 2018 CHNEP Workplan and Budget; authorizing the City Manager to sign the funding agreement and administer the funding 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 Charlotte Harbor National Estuary Program, authorizing the City Manager to establish the Charlotte Harbor National Estuary Program part-time research and outreach specialist position, using U.S. Environmental Protection Agency Fiscal Year 2017 carry-over funds; administer the funding on behalf of the City; and providing an effective date.

F. Police Department

1. Application for 2018/2019 Marine Advisory Committee (MAC) Grant Funds

Citizen Comments – Regular Agenda Items Only

There were none.

BUDGET

2018 Long Range Financial Plan

Ms. Kristin Simeone, Financial Analyst, provided a PowerPoint presentation, as delineated in the agenda material, reviewing the five year fiscal forecast and associated assumptions, minimum reserve analysis (operating and capital outlay), General, Utilities and Sanitation Funds and Canal Maintenance Assessment Districts. She confirmed Councilmembers remained in favor of a one-half percent increase in reserves as per established policy. She continued the presentation with a review of millage rate scenarios and areas of consideration for elimination to reduce the shortfall.

City Manager Kunik pointed out the last few slides were shown in response to questions regarding changes to the millage rate and to show the impact of using construction growth funds only. He explained the goal had been to match current revenues with current expenses, acknowledging same had yet to be attained.

Mayor Keesling commented favorably on the policy of increasing reserves by one-half percent annually; thus, using some reserves to balance was prudent. She stated the drainage and re-paving programs added to the City's positive appearance, pointing out same were desired by residents. She opined the millage rate should be kept flat, adding consideration could be given to lowering same, albeit at the appropriate time, contingent upon growth.

Councilmember Prafke agreed, stating many residents were on fixed incomes.

Mayor Keesling stated it was necessary to fund succession planning, adding the surrounding governmental agencies were very competitive.

Councilmember Matthews stated she preferred to retain the current millage rate based on feedback received. She opined the City must keep in mind the storm damaged seawalls, Alligator Creek cut-through, potential school tax increase and possible homestead exemption increase.

Councilmember Cummings agreed, requesting everyone also keep in mind the possibility of unfunded State mandates.

Mayor Keesling added the one percent sales tax project list should be reviewed.

City Manager Kunik mentioned staff felt purchases such as police vehicles should be weaned from 1% sales tax funds as they were an annual purchase.

Councilmember Matthews requested a list of one percent sales tax fund projects, both completed and proposed. She then expressed concern with regard to the State's failure to commit to paying 12.5% of the cost associated with the storm related seawall failures.

City Manager Kunik emphasized staff had received no indication the State would not reimburse the City. He mentioned the possibility of increasing the annual canal maintenance assessment fee to build up funds for the City's portion of expenses related to seawall repairs.

Ms. Simeone concluded her presentation, confirming there were no additional questions at this time.

Award of Amendment 25 to Weiler Engineering, Punta Gorda, FL, for the design of Harborwalk West Phase II Construction Plans – Areas 2a and 2b Gill Street to Berry Street

City Manager Kunik requested Council delay action on this item to allow time to review the Gilchrist Park restroom plans, which were only just received.

Consensus was to do so.

Mayor Keesling then invited public comment on Regular Agenda items.

Mr. John Burn, Punta Gorda Boat Club (PGBC), commented on the Gilchrist Park Activity Center Research Report (GPACRR), stressing the City was a boating community. He requested the City involve the PGBC in any future discussions regarding the GPAC.

Mr. David Martin opined it was inappropriate to give away public park land for the purpose of commercial development, adding waterfront property was a treasure and should be kept as same.

Mr. Robin Adair urged City Council to approve closing the Harborwalk for the Taste of Punta, explaining same was a paid event.

Ms. Connie Kantor read a prepared statement and distributed information regarding local Boy Scouts, as delineated in the agenda material, requesting consideration be given to establishing a Boy Scout facility in the GPAC.

Mr. Ron Ludvig, Peace River Sail and Power Squadron Commander, stated the Squadron had been a part of Punta Gorda since 1972 and had been teaching classes at the Bayfront Center since 1993. He contended no other location was available.

Ms. Sharon Rommel stated any park given to the public should be protected.

Mr. Bob Fritz commented on the budget, asserting an increase in the millage rate would discourage annexation. He then voiced objection to inviting public comment on a presentation which had not yet been provided. He spoke in opposition to construction of a large restaurant facility at Gilchrist Park.

Ms. Lori Lanehart stated Gilchrist Park had drawn her to reside in Punta Gorda, voicing concern commercial development would greatly change its nature.

Ms. M. J. Atkinson spoke regarding the Sanibel Sea School as a potential program for the GPAC, submitting a brochure regarding same into the record.

Mr. Dave Blair stated a ramp was critical for teaching children how to sail, thus the need to retain same at the Bayfront Center.

Mr. Gary Skillicorn expressed support of Team Punta Gorda (TPG), acknowledging the work involved in the GPACRR, the outcome of which represented the community's desire for waterfront activities and a multi-purpose meeting facility. He suggested the current Punta Gorda Library site could be used for the latter.

Ms. Dawn MacGibbon spoke regarding stewardship of Gilchrist Park as a historical City location.

Mr. Larry Yaeger asserted a park should be a grassy area with trees for children to play in the sunshine rather than a place for a mammoth structure for people to eat and drink.

Note: A short recess was called at 10:46 a.m.

UNFINISHED BUSINESS

Gilchrist Park Activity Center Research Report

City Manager Kunik stated two years earlier the City asked TPG to assist in researching the need for an activity center in Gilchrist Park. He pointed out the PGBC lease expired in 2021, and the Bayfront Lease expired in 2019.

Mr. Charlie Wally, TPG, provided a PowerPoint presentation on TPG's research findings and recommendations, as delineated in the agenda material, explaining the former were based on stakeholder interviews and community input. He outlined the next steps as follows: review current water related infrastructure; form focus group; identify potential public-private partnerships; relate desired activities to facility design; identify infrastructure and facility costs.

City Manager Kunik relayed Councilmember Wein's positive comments on the thoroughness of TPG's report.

Councilmember Cummings suggested scheduling future discussions with the YMCA, stating perhaps certain programs could be implemented at the present time. He reminded everyone Gilchrist Park was essentially located in a residential neighborhood; thus, consideration must be given to incorporating future plans into a true urban park design to be integrated into both the neighborhood and Gilchrist Park.

Mayor Keesling noted the site was a VE coastal high hazard area, which required very strict building constraints which in turn would significantly impact construction costs.

Councilmember Prafke stated it was necessary to first determine the site's most appropriate use.

Councilmember Cummings stated it was also necessary to work out the financial details, opining operations should be self-sustaining.

Councilmember Prafke pointed out the City did not have a parks and recreation department, adding same could not be established and staffed unless the public was in favor of a tax increase to do so.

Mayor Keesling opined it might be necessary to seek planning expertise to determine the appropriate type of construction for the site without negatively impacting the neighborhood.

City Manager Kunik advised sales tax funds were available to hire someone to develop a conceptual plan.

Consensus was to do so.

City Manager Kunik concluded staff would develop a scope of services.

Councilmember Cummings recommended the consultant be required to have experience in urban park planning, offering to assist in the selection process.

NEW BUSINESS

Isles Yacht Club Pickleball Request for Organized Play

City Manager Kunik stated in conjunction with the Isles Yacht Club (IYC) Leukemia Cup activities, application had been made to reserve the Gilchrist Park Pickleball courts.

Ms. Lisa Hannon, Zoning Official, explained the organizers wished to reserve the Gilchrist Park courts between March 5 and 24, 2018. She noted this was not a typical tournament, adding there would be no advertising or vendors.

Councilmember Prafke stated the Gilchrist Park courts constituted a public space, adding the proposed dates/hours, as delineated in the agenda material, were peak times for Pickleball play. She voiced objection to restricting the public's use.

Councilmember Matthews agreed, voicing concern with uprooting the current Pickleball players who utilized the courts on a daily basis.

Mr. Peter Krumsick, event organizer, explained the intent was to involve current players in the fundraiser.

Mayor Keesling clarified she had no objection to holding a fundraiser but did not wish to involve the City. She confirmed the tennis courts could be reserved only by special approval by the City Manager or City Council; however, there had never been a request submitted for same.

Discussion ensued regarding possible alternative locations with a consensus to deny the request.

Event Permit #17-145441 – Taste of Punta Gorda; March 11, 2018; Laisley Park

Ms. Hannon stated the Rotary Club of Punta Gorda, event organizer, had requested closure of the Harborwalk due to issues experienced at the previous year's event. She acknowledged the need for fundraisers; however, the interior of the site could be

snow-fenced to prohibit unauthorized access; thus, staff recommended denial of the request.

Discussion ensued with a consensus to deny the request.

Consideration of a Leash Ordinance

Councilmember Matthews stated she had been surprised to learn only recently the City did not have a leash law other than that specific to City parks. She opined it would be reasonable to establish such a law, questioning Councilmembers' thoughts regarding same.

City Attorney Levin advised the City had the legal authority to implement a leash law; however, existing City Code addressed nuisance animals, including those repeatedly found at large. He voiced concern regarding implementation of additional regulations, noting the City could rely on the Charlotte County Animal Control Division.

Councilmember Matthews opined Charlotte County's regulations were not adequate.

Discussion ensued with a consensus to not pursue a leash law.

RECOMMENDATION FROM CITY OFFICERS

City Manager

City Manager Kunik stated the City would participate in the upcoming Business Expo at the Charlotte Harbor Event & Conference Center on February 8, 2018. He played a video loop which would be shown at the Business Expo, adding staff would be present to answer questions.

City Attorney

Update on Bert J. Harris Act Claim Relating to Sale of Fisherman's Village Lease Property

City Attorney Levin stated he had previously presented an outline of a conceptual settlement in the lawsuit surrounding the subject property; however, Fishermen's Village subsequently withdrew from the settlement, which prompted the plaintiffs to take a slightly different tack as it related to the City. He concluded he was optimistic a settlement would ultimately be reached.

BOARDS AND COMMITTEES

Announcement of Vacancies

Building Board Alternate

Code Enforcement Board Alternate

Historic Preservation Advisory Board

Police Pension

City Clerk Smith announced the vacancies.

Nominations

Building Board

Councilmember Prafke **MOVED** to nominate and appoint Ms. Lisa Kellythorne to the Building Board, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

General Employees' Pension Board

Councilmember Matthews **NOMINATED** all interested parties.

Appointments

Planning Commission

Voting forms were distributed.

City Attorney Levin announced a tied vote.

Mayor Keesling opined the outcome of a second vote would likely be the same without a fifth Councilmember, confirming there were no objections to tabling the appointment to Council's next meeting.

Punta Gorda Housing Authority

Voting forms were distributed.

City Attorney Levin announced Mr. James Lawson had received the majority of votes and was thus appointed to the Punta Gorda Housing Authority Board of Commissioners.

POLICY AND LEGISLATION

KEESLING: Requested City Manager Kunik provide Council with a monthly status report, similar to that done for the CRA, on the progress of City Park projects.

Discussion ensued with consensus for staff to provide a project status report of all Council action on a quarterly basis starting in April 2018.

- Reported on the Legislative Action Days trip, adding it was a hectic but worthwhile trip. She noted there were several pending bills which could affect the City. She stated there were many groups represented, and being there in person had an impact.

CUMMINGS: Stated the Florida League of Cities' priorities were very much congruent with Punta Gorda's needs

MATTHEWS: Announced a Boaters Alliance steering committee meeting on February 9, 2018, to begin working on the Waterfront Master Plan.

- Noted the Development Review Committee would be reviewing plans for the proposed Chase Bank at the Carmalita Street intersection, adding she had forwarded information to the Metropolitan Planning Organization (MPO) in order to request reconsideration of intersection improvements by the Florida Department of Transportation.

PRAFKE: Spoke regarding the impact of the proposed Sunseeker Resort on U.S. 41 traffic, particularly the portion between the community and the airport. She requested Councilmember Matthews bring this concern to the MPO, further asking if the developer could be required to pay for roadway improvements.

Mayor Keesling suggested Councilmembers discuss same with Charlotte County Commissioner Chris Constance.

CITIZENS COMMENTS

Ms. Amanda White spoke regarding the idea of pedal taverns, clarifying same did not involve serving or consumption of alcohol while bicycling.

Mr. Sam Castronovo commented the newly established Vietnam Veterans Memorial Wall should be more widely advertised through increase signage, suggesting the City consider retaining a wayfinding consultant. He then spoke regarding the poor quality of the City's water.

Ms. Wendy Mueller thanked the Police Department for discouraging speeders on U.S. 41.

Ms. MacGibbon recommended the City perform a feasibility study of the cost of demolition of the existing buildings in Gilchrist Park.

The meeting was adjourned at 12:28 p.m.

Mayor

City Clerk