

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, MAY 2, 2018, 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Cummings, Keesling, Matthews, Prafke, Wein

**CITY EMPLOYEES PRESENT:** Dave Drury, Kristin Simeone, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Lisa Hannon, 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. Carlo Garguilo, followed by the Pledge of Allegiance.

**PROCLAMATION/PRESENTATIONS**

**National Day of Prayer**

**Councilmember Cummings** presented the proclamation to Reverend Bob Carlson.

**Friends of the Library Week**

**Mayor Keesling** presented the proclamation, which was accepted by Ms. Kati Mazzi, Friends of the Library President.

**Hibiscus Day**

**Councilmember Wein** presented the proclamation, which was accepted by Ms. Diane Munson and Mr. Stan Munson.

**National Public Works Week**

**Councilmember Matthews** presented the proclamation, which was accepted by Ms. Hope Petkus, Public Works Administrative Specialist.

**Punta Gorda Citizens Academy Graduation – Winter 2018 Session**

Ms. Petkus presented certificates to the graduates of the Winter 2018 Citizens Academy.

**Introduction of Board/Committee Member Nominees**

Mr. Brad Gamblin introduced himself as a nominee for the Historic Preservation Advisory Board.

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

**PUBLIC HEARINGS**  
**ORDINANCE/RESOLUTION**  
**No Public Hearing Required**

**Citizen Comments – Ordinance/Resolution Items Only**

Ms. Kim Devine voiced concern boat owners anchored by the day docks were reported to be on probation, noting there were two boats which had no mast and several boaters were not turning on their lights at night.

**ZA-02-18 – An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 26, “Land Development Regulations”, Article 16, “Application Review and Approval Requirements”, Section 26-16.8, “Special Exception Approval”, Paragraph (q)(1), extending the termination of use for Special Exception approvals which require permitting from non-City governmental agencies; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Prafke **MOVED** approval of ZA-02-18, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

**ZA-03-18 – An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code, Chapter 26, “Land Development Regulations”, Article 3, “Regulating Districts”, Section 26-3.1(b), “Overlay Districts”, adding Section 26-3.19 “Airport Protection Overlay District – APO”; pursuant to Chapter 333 Florida Statutes, to establish airport protection zoning regulations within the City of Punta Gorda for property in the vicinity of public-use airports in the City limits of the City of Punta Gorda; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Prafke **MOVED** approval of ZA-03-18, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

**ZA-05-18 – An Ordinance of the City Council of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 26, “Land Development Regulations”, Article 3, “Regulating Districts”, Section 26-3.13(m), “SRO, Special Residential Overlay District”, to clarify regulations regarding fence heights; 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 ZA-05-18, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

**GA-03-18 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 6, “Boats, Docks and Waterways”, Article I, “In General”, Section 6-24, “Use of Boat Ramps”, Punta Gorda Code, to amend regulations relating to the use of public boat ramps and to establish regulations for the use of public day docks within the City of Punta Gorda; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Prafke **MOVED** approval of GA-03-18, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

**A Resolution of the City Council of the City of Punta Gorda, Florida, establishing the process for the issuance of docking permits at the Gilchrist Landing Day Docks; providing for conflict and severability; and providing an effective date.**

City Attorney Levin read the resolution by title.

**Councilmember Matthews** questioned the requirement for applicants to possess a local mailing address as many individuals communicated only via email.

City Attorney Levin explained in order for a Code Enforcement Officer to enforce the Code, alleged violators were notified by certified mail or posting of the property; thus, permittees could obtain a local mailbox and utilize same as their local mailing address.

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

**MOTION UNANIMOUSLY CARRIED.**

**A Resolution of the City Council of the City of Punta Gorda, Florida, creating the Burnt Store Isles Underground Utility Assessment Area to fund the procurement of a Binding Cost Estimate from Florida Power & Light (FPL) for the conversion of existing overhead electric distribution facilities to underground facilities within a portion of the Burnt Store Isles subdivision; providing for definitions; providing findings; describing the property to be located within the proposed assessment area and those areas to be excluded; providing the date, time and place of a public hearing and forms of notice to consider the adoption of the final assessment resolution for the upcoming fiscal year; determining the service cost to be assessed; describing the method of apportioning the service cost and the computation of the assessments for specific properties; establishing an estimated**

assessment rate for the upcoming fiscal year; directing the City Manager to prepare the initial assessment roll; providing for conflict and severability; and providing an effective date.

City Attorney Levin read the resolution by title.

**Councilmember Matthews** stated there were some properties in Burnt Store Isles (BSI) with utilities already underground, requesting they be specifically outlined in map form to identify them as properties which would not be assessed for the project.

**Councilmember Prafke** stated this process had been moving forward for quite some time, adding those who were not part of the study were well aware of same. She stated the project committee had worked closely with the BSI Association.

City Attorney Levin stated the excluded properties would be expressly identified, which would be more specific than a map.

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

**MOTION UNANIMOUSLY CARRIED.**

A Resolution of the City Council of the City of Punta Gorda, Florida (the "City"), approving the form and authorizing the execution and delivery of a Non-Revolving Line of Credit Agreement by and between the City and Regions Capital Advantage, Inc.; subject to the parameters set forth in this Resolution, authorizing and approving the issuance of a Note by the City in connection with said Non-Revolving Line of Credit Agreement relative to the financing of repairs and replacements to damaged portions of the City's seawall; pledging designated revenues to repay the Note; covenanting to budget and appropriate from legally available non-ad valorem revenues of the City; declaring the City's official intent to seek reimbursement for certain capital expenditures made with respect to repairs and replacements of the City's seawall from proceeds of the Note; authorizing the proper officials of the City to do all other things deemed necessary or advisable in connection with the non-revolving line of credit agreement and said revenue note; and providing for an effective date.

City Attorney Levin read the resolution by title.

Mr. Dave Drury, Finance Director, explained the purpose of the loan was to ensure cash flow in order to pay contractors for seawall repairs while the City awaited reimbursement from the Federal Emergency Management Agency. He concluded staff recommended approval of the agreement with Region's Bank.

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

**MOTION UNANIMOUSLY CARRIED.**

**CONSENT AGENDA**

A. Citizen Comments - Consent Agenda Items

None.

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

**MOTION UNANIMOUSLY CARRIED.**

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of April 18, 2018

C. Legal Department

1. Invoice of Persson & Cohen, P.A. for services rendered in March 2018

2. Invoice of Allen, Norton & Blue, P.A. for legal services rendered through March 31, 2018

3. Monthly Litigation Report

**Citizen Comments – Regular Agenda Items Only**

Ms. Lisa Wager stated a recently formed citizens group, known as “Smart Growth Punta Gorda’s Goals”, wished to volunteer their time to assist the City with appropriate growth, including the update of the Citizens Master Plan (CMP) and Sunseeker Resort ad hoc committee.

Mr. Hank Baumann requested kayak storage racks be allowed on docks, pointing out same would prevent kayaks from floating away during periods of flooding.

Ms. Sheri Lenora spoke regarding the process of updating the CMP, submitting into the record several questions which should be posed. She commented on the types of participants and activities which should be included.

Ms. Charlotte Todd suggested taking the concept of inclusiveness to a higher level through the creation of a variety of ad hoc committees.

Ms. Wanda Winnell supported continued negotiations with Mr. Robert McQueen in order to move forward with the additional Charlotte Harbor access project.

Ms. Nancy Johnson pledged the support and assistance of TEAM Punta Gorda with regard to updating the CMP.

Mr. Tom Cavanaugh requested shade structures be included in the design of the Harborwalk Phase II project.

## BUDGET

### Award of Agreement to Raftelis of Casselberry, FL, to conduct a study on the City's current Fair Share Impact Fee Ordinance and rates and future updates as may be required.

City Manager Kunik reported staff recommended award of the agreement to Raftelis of Casselberry, Florida.

Councilmember Prafke **MOVED** approval of awarding the agreement to Raftelis, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

### Discussion regarding the City's Comprehensive Annual Financial Report (CAFR) for the Fiscal Year Ending September 30, 2017.

Mr. Drury reported there were no management letter comments for the CAFR for Fiscal Year (FY) Ending September 30, 2017. He noted the State indicated the City's request for assistance related to damage from Hurricane Irma would be moving forward.

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

**MOTION UNANIMOUSLY CARRIED.**

City Manager Kunik then presented Mr. Drury with a plaque to acknowledge his retirement.

**NOTE: A short break was called at 10:21 a.m.**

## UNFINISHED BUSINESS

### Harborwalk at Gilchrist Park Areas 2a & 2b (Area II) – Conceptual Plan Review

Mr. Mitchell Austin, Urban Design Planner, presented options and associated, estimated costs for the conceptual design of the Harborwalk at Gilchrist Area II, as delineated in the agenda materials. He displayed a summary of parking currently available in Areas I and II, which totaled 121 spaces, stating the Area II Base Concept Plan proposed a total of 212 parking spaces and 246 spaces for both Areas I and II. He provided comparisons between existing conditions and the proposed concept plan, announcing the initial cost estimate amounted to \$3,182,107. He summarized Area II plan options as follows: access to Ponce de Leon Statue; basketball court rehabilitation; lighting for pickleball and tennis courts; Gill Street parking; McGregor Street parking.

**Mayor Keesling** questioned the need for additional access to the Ponce de Leon statue.

Mr. Austin explained the Americans with Disabilities Act (ADA) required same.

**Councilmember Wein** inquired if the addition of shade structures would constitute significant, additional cost.

City Manager Kunik replied affirmatively.

**Mayor Keesling** confirmed the existing path to the Ponce de Leon Statue was ADA accessible.

Consensus was to eliminate that option.

Mr. Austin continued the presentation with a review of the basketball court rehabilitation options.

Consensus was to include the option as presented.

Mr. Austin then reviewed the lighting options for the tennis and pickleball courts.

Discussion ensued with consensus to eliminate the lighting options presented.

Mr. Austin reviewed the Gill Street parking lot, opining Option “a” was more cost effective.

**Councilmember Prafke** suggested combining the original base plan with Option “a” to provide more parking.

City Manager Kunik pointed out staff was attempting to retain the oak trees in the referenced area, advising that combination would result in a loss of greenspace.

Mr. Austin estimated an additional 20 feet of land would be necessary to combine the 2 options, adding he would research the engineering and costs for same. He confirmed a change was necessary to the existing plan due to ADA issues.

Discussion ensued with consensus for staff to research the suggested option and to present both Option “a” and the third option at a future meeting for comparison purposes.

**Councilmember Matthews** further requested a rendering of the existing site. She questioned the project’s intended timeline.

City Manager Kunik replied the goal was to have a complete design by approximately October 2018 or November 2018, with bids complete by January 2019.

Mr. Austin then reviewed the McGregor Street parking lot options.

Discussion ensued with consensus not to include the option but rather to proceed with the Base Concept Plan.

**Councilmember Matthews** inquired if the pickleball and basketball courts would remain available to the public during construction.

City Manager Kunik expressed uncertainty regarding same; however, staff would work with the contractor on phasing.

**Councilmember Matthews** commented it was possible to evaluate bids and not select the lowest bidder, suggesting terms be included which required the contractor to meet construction deadlines.

**Additional Harbor Access (PGI Bird Section Cut-through) Land Purchase**

City Manager Kunik outlined the purchase price proposal received from the McQueen Trust, as delineated in the agenda material, noting staff had evaluated the proposal and felt \$400,000 was not out of line with the appraisal. He stated the conveyance of the City owned, non-waterfront Taylor Road property was appraised at \$40,000, noting a pre-June 30, 2018 execution date of the purchase contract, as requested by Mr. McQueen, was possible. He summarized the offer would be null and void if not approved by Council by June 30, 2018. He reported staff was concerned with the abovementioned non-refundable pledge/conveyance within the timeframe provided. He then pointed out City Code would dictate the number of docks allowed, asking the engineering consultant to report on the status of the Army Corps of Engineers (ACE) permit.

Mr. Hans Wilson, Hans Wilson Engineering, stated during initial discussions with Mr. McQueen, there was no talk of a specific acreage calculation but rather a dollar figure, adding it seemed there would be an opportunity for negotiation due to the limited ability to develop the property. He stated a cultural resource assessment or archeological survey of the site had been submitted to the ACE as requested, which he did not feel would be problematic in any respect. He continued with a review of actions required by the State, adding the National Marine Fisheries Service proposed an alternative alignment within Mr. McQueen's parcel in order to minimize impacts to essential fish habitats. He noted he submitted the most recent version of his alternatives' analysis to the ACE approximately six to eight weeks earlier, expressing hope the current alignment would prevail.

**Councilmember Cummings** opined it was necessary to keep the project moving forward, suggesting a counteroffer of 18 months for expiration of the purchase contract.

**Mayor Keesling** expressed reservation about conveying the property as a non-refundable deposit.

**Councilmember Wein** opined conveyance of the Taylor Road parcel should be considered separately.

**Councilmember Prafke** agreed, pointing out Mr. McQueen had approached the City regarding the same property in the past. She asked Mr. Wilson if 18 months was needed.



Mr. Wilson replied he anticipated State permitting to be finalized in a minimum of six months.

**Councilmember Matthews** suggested offering Mr. McQueen an additional \$40,000 as an alternative to the non-refundable conveyance of the Taylor Road property.

City Attorney Levin then reviewed a number of possible scenarios and their impacts with respect to the State agencies involved.

**Councilmember Prafke** suggested removing the Taylor Road property from the equation, further recommending the City Manager be permitted to negotiate on Council's behalf.

**Councilmember Wein** noted the \$40,000 cost for the Taylor Road property was minor when compared to the cost of the entire project, adding the increase in property values was significant; thus, it might be worth allowing conveyance of the Taylor Road property to be non-refundable if it permitted the project to proceed smoothly.

City Manager Kunik displayed a GIS map of the Taylor Road property, pointing out Mr. McQueen also owned the surrounding land. He confirmed Council was authorizing him to negotiate with Mr. McQueen, with the assistance of Mr. Wilson and City Attorney Levin.

#### **Continuation of Discussion regarding Update to Citizens Master Plan**

**Councilmember Cummings** stated the existing City Code allowed square buildings with no architectural requirements, which were aesthetically unappealing. He spoke in favor of a City prepared for both natural as well as economic disasters, recommending an initial workshop with business people, both current and future, to include economic analysis, necessary commercial activity, rate of increase in taxation and a comparison between the CMP, Aqua and the business workshop's conclusions with the Land Development Regulations (LDRs) and best practices in urban planning. He opined public education was critical and should be followed by a number of public hearings.

**Councilmember Wein** clarified the plan was to form a base from which to work and then involve the citizens.

**Councilmember Prafke** recalled development of the 2005 CMP involved the citizens from the start, adding residents and business owners worked collaboratively through numerous public meetings.

Discussion ensued with regard to the pros and cons of moving forward with both the business community and residents initially as opposed to business owners only.

**Councilmember Wein** noted any information gathered at a workshop for business owners only would be compiled and made available to the public.

City Attorney Levin cautioned no members of the public could be prohibited from attending a Council meeting or Council workshop.

**Councilmember Prafke** pointed out Councilmembers could attend a meeting of the Downtown Merchants Association while not actually participating in same.

**Mayor Keesling** stated the City Manager or a staff member could moderate a meeting at which Councilmembers were in attendance. She suggested Councilmember Cummings draft a description of the type of meeting he wished to see.

**Councilmember Cummings** agreed.

**Councilmember Prafke** suggested placing the building height issue on hold until the CMP was updated.

City Manager Kunik stated staff was working on building height regulations which would be presented to City Council, the Planning Commission and then back to Council, asking if staff should proceed or refer same to the consultant.

Consensus was to refer the proposed regulations to the consultant before initiating the formal public hearing process.

**Note: A recess was called at 12:20 p.m.**

#### **NEW BUSINESS**

#### **Additional Harbor Access (PGI Bird Section Cut-through) Creation of Special District**

Item withdrawn.

#### **Kayak Storage in the Special Residential Overlay District**

Ms. Lisa Hannon, Zoning Official, presented information related to the regulation of kayak storage, as delineated in the agenda material, noting items to be considered included where and how racks should be permitted as well as whether to regulate the materials used and/or size and number of kayaks to be stored.

**Councilmember Matthews** stated the need for kayak storage was the result of being a boating community, adding residents had advised the ability to store kayaks on a rack was more pleasing in appearance, kept the kayak in better condition and allowed the dock to remain clean.

Consensus was to allow a maximum of two kayaks to be stored on a rack, not to require a permit and not to regulate the material used.

#### **RECOMMENDATION FROM CITY OFFICERS**

#### **CITY MANAGER**

City Manager Kunik announced a budget update would be presented at Council's next meeting as would the Guaranteed Maximum Price for the Reverse Osmosis Water Plant project.

## CITY CLERK

### Police Officers' Pension Board and Firefighters' Pension Board 5th Member Appointment Confirmations

City Clerk Smith announced the Police Officers' and Firefighters' Pension Boards had both recently appointed their 5<sup>th</sup> members, asking Council to confirm the appointments of Messrs. Samuel Kiburz and Justin Gerow, respectively.

Councilmember Matthews **MOVED** to confirm the two appointments, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

### BOARDS AND COMMITTEES

#### **Nominations**

Code Enforcement Board Alternate

Councilmember Matthews **MOVED** to nominate and appoint Mr. Timothy Heggan, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

Historic Preservation Advisory Board Alternate

Councilmember Matthews **NOMINATED** all interested parties.

#### **Appointments**

Historic Preservation Advisory Board

Voting forms were distributed.

City Attorney Levin announced Ms. Karen Lyons had received the majority of votes and was thus appointed to the Board.

Punta Gorda Housing Authority

Voting forms were distributed.

City Attorney Levin announced Ms. Pat Oliva had received the majority of votes and was thus appointed to the Board.

### POLICY AND LEGISLATION

**PRAFKE:** Stated she attended the recent U.S. Pickleball Open in Naples, Florida, which was comprised of approximately 2,000 registrants, including local players.

**WEIN:** Commented favorably on a musical act which performed at the recent Punta Gorda Block Party.

### CITIZENS COMMENTS

Ms. Joan Honare stated she recently moved to Punta Gorda from Seminole County, urging Council to research Winter Park and Winter Garden with growth in mind.

Ms. Wendy Mueller suggested holding community meetings prior to structured business forums.

Ms. Pat Niles commented on the availability of local assisted living and affordable housing facilities.

Mr. Gamblin suggested moving development forward with the proper guidance.

**Mayor Keesling** commented calling 211 provided excellent resources for all types of services.

The meeting was adjourned at 1:36 p.m.

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Mayor

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City Clerk