

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, OCTOBER 3, 2018, 9:00 A.M.**

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

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

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

PROCLAMATION/PRESENTATIONS

Lindsay M. Harrington Day

Councilmember Prafke presented the proclamation to Mr. Lindsay Harrington.

Introduction of Board/Committee Member Nominees

None.

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

Note: Councilmember Cummings left the meeting at 10:20 a.m.

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments – Ordinances/Resolution Items Only

None.

ZA-06-18 – An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 26, “Land Development Regulations”, Article 3, “Regulating Districts”, Section 26-3.13 “Special Residential Overlay District”, Subsection (I), “Storage of Vehicles and Watercraft”, to clarify provisions for the storage of small watercraft on racks on a dock; renumbering accordingly; providing for conflict and severability; and providing an effective date. **SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Wein **MOVED** approval, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

ZA-08-18 – An Ordinance of the City Council of the City of Punta Gorda, Florida, providing requirements for the location and permitting of Medical Marijuana Treatment Center Dispensing Facilities located within the municipal boundaries of Punta Gorda consistent with Chapter 381, Florida Statutes, by amending Punta

Gorda Code Chapter 26, "Land Development Regulations", Article 3, "Regulating Districts"; amending Section 26-3.8, "NC, Neighborhood Center District", Subsection (a), "Permitted Principle Uses and Structures", by adding a new Subparagraph (18) relating to Pharmacies and a new Subparagraph (19), relating to Medical Marijuana Treatment Center Dispensing Facilities; amending Section 26-3.9, "CC, City Center District", Subsection (a)(1)a., "Permitted Principle Uses and Structures", by adding Medical Marijuana Treatment Center Dispensing Facilities; amending Section 26-3.10, "HC, Highway Commercial District", Subsection (a)(1)a., "Permitted Principle Uses and Structures", by adding Medical Marijuana Treatment Center Dispensing Facilities; amending Section 26-3.17 "MO, Medical Overlay District", Subsection (a) "Permitted Principle Uses and Structures", by adding a new Subparagraph (17), relating to pharmacies, and a new Subparagraph (18) relating to Medical Marijuana Treatment Center Dispensing Facilities; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Matthews **MOVED** approval, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Budget Public Hearing of September 17, 2018
2. Approval of the Minutes: Regular Meeting of September 17, 2018
3. Approval of Minutes: Special Evaluation Committee Meeting of September 26, 2018

C. Legal Department

1. Invoice of Persson & Cohen, P.A. for Services Rendered in August 2018
2. Invoice of Allen, Norton & Blue, P.A. for Legal Services Rendered through August 31, 2018
3. Monthly Litigation Report

Citizen Comments – Regular Agenda Items Only

None.

BUDGET

Appropriation of 2018/2019 West Coast Inland Navigation District (WCIND) Grant Funds for 21 Foot Marine Vessel

City Manager Kunik announced the subject vessel had been purchased, requesting approval of the appropriation of funds.

Councilmember Matthews **MOVED** approval of the appropriation as presented, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

FY 2019 Department Performance Objectives

City Manager Kunik announced each City Department provided their more significant performance objectives on an annual basis, some of which included timeframes relative to accomplishment of same, all of which were provided in Council's agenda material. He began his presentation with the City Manager - Administration's Fiscal Year (FY) 2019 Performance Objectives, briefly reviewing some key objectives, including a succession plan for the City Manager position. He mentioned the Legal Department was working on a complete re-write of Punta Gorda Code Chapter 6 in an effort to provide more clarification.

Ms. Macalle Finkle, Paralegal, confirmed the Canal Advisory Committees would review the re-write, adding feedback would be sought from local marine contractors as well. She noted she and the City Clerk planned to thoroughly review the entire Code.

Councilmember Prafke requested the on-line version of the City Code provide viewers with the ability to easily access a specific section.

Discussion ensued regarding the City Clerk's Performance Objectives with consensus to add/edit the following performance objectives: improve access to various sections of online City Code through use of navigational links; change "Administration of" to "Administer" City Election and follow same with a detailed report to City Council; continue to identify possible enhancements to Local Business Tax (LBT) process; revise LBT survey to include existing businesses and make same available on-line; eliminate vacation rental informational pamphlet and create web page tailored to educate citizens.

Mayor Keesling requested an additional objective under City Manager - Urban Design, following a review of the impact of annexations, as follows: investigate Enterprise Charlotte Airport Park (ECAP) district incentives.

Councilmember Prafke inquired how progress would be achieved for the annexation program.

City Manager Kunik noted the very nature of voluntary annexation was an impediment in some instances, citing a number of businesses located on U.S. 41 whose owners did not wish to annex into the City due to the sign ordinance.

Discussion ensued regarding the importance of maintaining the lines of communication with businesses adjacent to City land in the hope of encouraging annexation with a consensus to add the following language to the list of performance objectives: achieve progress on annexation program through creative ways to solve issues.

City Manager Kunik added the fourth Objective under Finance would be amended to include: “and explore State funding opportunities.”

Discussion ensued regarding the undergrounding of utilities in Burnt Store Isles with consensus to make the following changes: City Manager – Legal, “Work with the City Clerk’s Office to administer a straw poll to gauge community interest.”

City Manager Kunik then spoke regarding Council’s direction to locate an independent facilitator for the next Strategic Plan, recommending Mr. Herb Marlowe at a cost of approximately \$4,900, which included a complete re-write; however, timing remained uncertain due to Master Plan timing.

Consensus of Council was to completely redo the Strategic Plan after completion of the Master Plan.

Veteran's Park Phase II Design Funding Discussion

Mr. Mitchell Austin, Urban Design Planner, displayed a PowerPoint Presentation on the Veterans Park Phase II project, estimating planning costs at \$540,000.

City Manager Kunik stated estimates for completion of the donor plaza were in place as were plans for parking along Retta Esplanade near the Justice Center; however, nothing else was funded at this time. He acknowledged this was a potential sales tax funding project, dependent upon the outcome of the November 2020 referendum.

Councilmember Matthews recalled the savings of approximately \$100,000 related to work on the nearby pier was to be used for restoration at Veterans Park. She voiced concern with a relatively sudden increase of almost \$100,000.

Discussion ensued with consensus for staff to present a phased approach for completion of the project.

Facilitator for Development of FY 2020 Strategic Plan

Discussed under Performance Objectives.

Appropriation of Funds for Addition to Building Division Staff

Councilmember Prafke **MOVED** approval of **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Appropriation of Funds for Security Enhancements at City Facilities

Councilmember Prafke requested a spreadsheet depicting the impact to reserves.

Councilmember Wein **MOVED** approval of the appropriation out of Fiscal Year 2019 reserves, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Gilchrist Park Playground Surface Issues

Ms. Finkle presented an overview of the playground surface issues, explaining staff recommended obtaining an independent engineer's evaluation of the drainage and sub-surface conditions to determine the appropriate course of action.

City Attorney Levin advised against suing the contractor without evidence of wrongdoing or knowing the cause of the problem.

Discussion ensued with consensus to move forward with obtaining an independent evaluation.

Discussion regarding Downtown Merchants Association Saturday Farmers Market Local Business Tax.

City Clerk Smith presented information relative to the Saturday Farmers Market, noting staff had drafted language to calculate an average number of vendors as the basis for the tax for farmers markets.

Ms. Margaret Bogardus stated the Historical Society was amenable to a tax calculation based on the average number of vendors participating in the History Park Farmers Market.

Consensus was to move forward with the proposed amendment.

NEW BUSINESS

FDOT Intersection Improvements – Tamiami Trail (US 41 SB) from Taylor Street to Marion Avenue (US 17 SB)

City Manager Kunik provided details of a Florida Department of Transportation safety project which entailed various improvements on Tamiami Trail (US 41 NB) from Taylor Street to Marion Avenue (US 17 SB), explaining staff had identified a decorative standard that would closely match the existing fixtures at a projected cost of approximately \$63,000 in FY 2020. He advised a decision was necessary this date.

Councilmember Wein **MOVED** approval of moving forward.

MOTION DIED FOR LACK OF A SECOND.

Learn to Sail, Inc. Request for Outdoor Storage

Ms. Lisa Hannon, Zoning Official, announced the State Fire Marshall found gasoline containers and gasoline powered equipment stored inside the Bayfront Center, all of

which must be removed within 30 days. She displayed a photograph of a steel storage container, which Learn to Sail, Inc. planned to place adjacent to the dumpster enclosure on the West Retta Esplanade side of the property.

Mr. David Blair, Learn to Sail Vice-president, contended the proposed location for the storage container was the only feasible site.

Discussion ensued regarding on-site fuel storage, visual blight, Occupational Safety and Health Administration standards and electric versus gas powered equipment with consensus to require Learn to Sail to provide other alternatives for consideration.

Councilmember Prafke stated the sales tax project list included replacement of some mast arms on four U.S. 41 lights.

Councilmember Wein **MOVED** approval of moving forward with the FDOT Intersection Improvements as proposed, **SECONDED** by Councilmember Prafke.

VOTING AYE: Keesling, Prafke, Wein.

VOTING NAY: Matthews.

MOTION CARRIED.

RECOMMENDATION FROM CITY OFFICERS

CITY ATTORNEY

City Attorney Levin announced he had distributed a memorandum regarding a Code violation involving a derelict boat issue, noting staff was taking all legal steps required to address this matter.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals (alternate)

Code Enforcement Board

Punta Gorda Isles Canal Advisory Committee

Punta Gorda Housing Authority

City Clerk Smith announced the vacancies.

Nominations

Code Enforcement Board Alternate

Councilmember Wein **MOVED** to nominate and reappoint Mr. Mike Makedonski, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

CITIZENS COMMENTS

Mr. Richard Pitts spoke regarding 3-D printing and artificial intelligence, suggesting there was room in Punta Gorda for a 3-D printing facility.

The meeting was adjourned at 12:38 p.m.

Mayor

City Clerk