

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

COUNCILMEMBERS PRESENT: Carey, Cummings, 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

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

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

CITY COUNCIL REORGANIZATION

Results of November 6, 2018 Election

City Clerk Smith announced the General Election results as follows:

District 1: Jaha Cummings - Unopposed

District 2: Debby Carey – 5,565 votes (51.68%)

Rachel Keesling – 5,203 votes (48.32%)

District 5: Lynne Matthews - Unopposed

Oath of Office:

Councilmembers Carey, Cummings and Matthews were sworn in by the City Clerk.

CITY ATTORNEY PRESIDING

Election of Mayor

City Attorney Levin opened the floor for nominations for Mayor.

Councilmember Matthews **NOMINATED** Councilmember Prafke.

Councilmember Wein **NOMINATED** Councilmember Matthews.

Voting for Councilmember Matthews: None.

Voting for Councilmember Prafke: Carey, Cummings, Matthews, Prafke, Wein.

City Attorney Levin announced Councilmember Prafke had received the most votes and was thus elected Mayor.

Election of Vice Mayor

Mayor Prafke opened the floor for nominations for Vice Mayor.

Councilmember Wein **NOMINATED** Councilmember Matthews.

As there were no other nominations, Councilmember Matthews was elected Vice Mayor by acclamation.

PROCLAMATION/PRESENTATIONS

Navy Jazz Band Day

Councilmember Cummings presented the proclamation, which was accepted by Mr. Frank Mazur.

Aqua Micro Website Demonstration

Ms. Melissa Reichert, Communications Manager, announced the micro website would focus on three external target audiences – business relocation candidates; residential relocation candidates; potential visitors.

Mr. Elliott Cohen, Aqua Communications, stated the micro website, www.ExplorePuntaGorda.com, represented an integral part of the Strategic Communications Plan. He provided a live demonstration of the new micro website, stating the intention was to market the City's identity through a campaign known as "Explore Punta Gorda". He clarified the micro website would not replace the City's existing website, the latter being the municipal on-line destination for the City, adding its target audience were those who had yet to visit Punta Gorda. He advised a digital campaign would commence in January 2019 and continue through March 2019, targeting specific markets.

Councilmember Matthews voiced concern two domains would prove to be confusing, adding she envisioned visitors viewing the micro website as the City's main website.

Mr. Cohen explained the technical capabilities of the City's website did not allow for design of an effective marketing tool.

Discussion ensued with consensus to include a link to the micro website from the home page of the City's main website.

Introduction of Board/Committee Member Nominees

None.

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

PUBLIC HEARINGS

GA-06-18 – An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code, Chapter 12, "Business Tax Act", Section 12-18, "Flea Markets", to adjust the calculation upon which the annual business tax for flea markets is based; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

City Clerk Smith explained the proposed ordinance changed the calculation of tax imposed on farmers markets to an average vendor count basis.

Mr. Jerry Presseller, Downtown Merchants Association, asserted the difference between flea markets and farmers markets was significant.

City Clerk Smith advised Chapter 12 specified flea markets were inclusive of farmers markets.

Mayor Prafke called three times for anyone to speak on GA-06-18.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Wein **MOVED** approval of GA-06-18, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

An Emergency Ordinance of the City of Punta Gorda, Florida, amending Chapter 15, "Offenses and Miscellaneous", of the Punta Gorda Code, amending Section 15-18, clarifying provisions related to security measure requirements for owners and operators of retail gas pumps; providing for conflict and severability; and providing an effective date.

City Attorney Levin read the ordinance by title.

Ms. Macalle Finkle, Paralegal, explained the proposed ordinance required owners/operators to provide proof of the uniqueness of their access keys. She noted additional language provided for enforcement through issuance of a citation, including imposition of a \$250 per pump fine.

Councilmember Matthews commended the Police Department on their diligence, expressing dismay with regard to one gas station which seemed to be resistant to compliance. She questioned the possibility of enforcement through closure of the business due to lack of compliance.

City Attorney Levin stressed the goal was compliance, stating the lack of same could be presented to the Code Enforcement Board for further action.

Councilmember Wein commented fines could accumulate quickly to a significant amount.

Mayor Prafke called three times for anyone to speak on the emergency ordinance.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, declaring its intent to take action under Chapter 705, Florida Statutes, to remove and dispose of abandoned property, to wit: the undocumented, unregistered and partially submerged sailboat which is unlawfully upon public property known as the Curacao Canal adjacent to 2838 Deborah Drive, Punta Gorda, Florida; providing for severability; and providing an effective date.

City Attorney Levin read the resolution by title.

Councilmember Matthews confirmed the vessel was being removed over water.

Mayor Prafke confirmed no one from the public wished to speak on the resolution.

Councilmember Matthews **MOVED** approval of the resolution and appropriation of the necessary funds, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

Councilmember Matthews **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 October 17, 2018

C. Legal Department

1. Monthly Litigation Report

2. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered in October 2018

3. Invoice of Persson & Cohen, P.A. for services rendered in October 2018

D. Urban Design Division

1. Event Permit #18-149866; Punta Gorda Block Party; April 27, 2019; Downtown Punta Gorda

2. A Resolution of the City Council of the City of Punta Gorda, Florida, providing for the City of Punta Gorda to become a member of the American Flood Coalition; and providing an effective date

E. Police Department

1. Request to Apply and Appropriate Funds for Fiscal Year (FY) 2018 DOJ JAG Grant

Citizen Comments – Regular Agenda Items Only

Mr. Sam Castronovo suggested the City's legislative agenda for 2019 include a request for I-75 directional signage to the Vietnam Memorial Wall.

Mr. Don Sabatini voiced concern regarding the proposed assessment process for Buckley's Pass.

Mr. Bradford Gamblin countered he did not feel it was necessary to revisit the assessment process, recommending the project proceed as planned.

BUDGET

Appropriation of Funds and Award of Amendment #3 – Design/Construction Services for Buckley's Pass to Hans Wilson & Associates in Accordance with the Master Agreement.

Ms. Marian Pace, Procurement Manager, requested Council's approval of the appropriation of \$113,700 and award of Amendment #3 to Hans Wilson & Associates.

Councilmember Matthews **MOVED** approval of the appropriation and award as recommended, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, FL, declaring the City's official intent to seek reimbursement for certain capital expenditures to be made with respect to the acquisition, design, engineering, construction, development and equipping of the canal project from the proceeds of its not to exceed \$2,500,000 revenue bonds or notes and providing for an effective date.

Ms. Kristin Simeone, Finance Director, explained the resolution would allow the City to recapture any expenditures over the past 60 days and forward at a non-taxable interest rate.

Councilmember Matthews requested an update on outstanding expenses/costs.

Ms. Simeone replied approximately \$800,000 had been committed and/or expended to date, stating Mr. Hans Wilson, project engineer, would provide remaining costs based on 100% construction plans.

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

MOTION UNANIMOUSLY CARRIED.

Special Assessment Process for Buckley's Pass (Additional Harbor Access) Project

Ms. Finkle drew members' attention to a detailed timeline for the Buckley's Pass project, as delineated in the agenda material, providing a review of same.

Councilmember Matthews questioned the timeline for approval of the Marine Advisory Committee (MAC) grant application and the possible amount of the grant.

City Manager Kunik replied staff was advised to apply for no more than \$500,000, adding MAC's recommendation would not be moved forward for several months, the final decision to be made in September 2019.

Councilmember Matthews inquired how tax payers could be charged through an early payment program if the funding amount was uncertain.

Ms. Simeone replied any overpayment could be refunded.

Ms. Finkle noted discount of the pre-payment amount was a Council decision, adding property owners would be notified by direct mail.

City Manager Kunik mentioned Buckley's Pass could be open in October 2019 or November 2019 barring any unforeseen delays.

Americans with Disabilities Act (ADA) Transition Plan Annual Update & FY 2019 Project Allocation.

Mr. Mitchell Austin, Urban Design Planner, presented an update on the ADA Transition Plan, as delineated in the agenda material, recommending Council adopt same and appropriate funds to ensure full ADA compliance.

Ms. Simeone outlined the proposed funding, as described in the agenda material.

Councilmember Matthews inquired as to consultant costs.

Ms. Pace replied staff was currently in negotiations with the consultant to determine costs for two specific projects, adding a master agreement would be provided to Council with a specific authorization cost.

Ms. Julie Ryan, Urban Design Planner, interjected the engineering costs denoted in the agenda material included design costs.

Councilmember Matthews then inquired regarding expansion of Council Chambers, as had been discussed several times in the past.

Discussion ensued with consensus to have staff research expansion costs.

Councilmember Matthews **MOVED** approval of the ADA Transition Plan Update and appropriation of funds for FY 2019 projects, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Evaluation & Selection Committee's Ranking of the Engineering Firms for the Redesign of Ponce de Leon Park.

Ms. Pace reported staff solicited qualifications through the City's Engineering Library for this re-design project, adding submittals were received/evaluated from Weiler Engineering and Infrastructure Solution Services, the former being ranked as first choice.

Councilmember Cummings **MOVED** approval of the final ranking and to authorize staff to negotiate with Weiler Engineering, **SECONDED** by Councilmember Matthews. Fortieth

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

City Priorities & Requests for 2019 State Legislative Agenda

City Manager Kunik announced the State Delegation would meet on December 6, 2018, adding Mr. Jerry Paul, City Lobbyist, would address Council on December 5, 2018. He explained Council was being asked to identify the City's legislative priorities and/or requests for presentation to the Charlotte County Legislative Delegation. He reminded Councilmembers the City typically supported the Charlotte County and Florida League of Cities Legislative Agenda, which was not yet published. He noted the Boca Grande drainage project still required funding, adding I-75 signage for the Vietnam Veterans Wall had also been suggested.

Mayor Prafke questioned the possibility of pursuing the Boca Grande project through the Metropolitan Planning Organization (MPO).

Councilmember Matthews responded the Florida Department of Transportation (FDOT) had expressed unwillingness to install signage on I-75, adding consideration was being given to other types of roads still under FDOT's purview. She suggested verbiage could perhaps be added to existing directional signage.

Consensus was to consult with Mr. Paul regarding the best strategy.

Battling Harmful Algae Blooms Presentation

Ms. Jennifer Hecker, Charlotte Harbor National Estuary Program (CHNEP) Executive Director, provided a detailed presentation on threats from harmful algae blooms and their negative impact on marine life, including actions taken to reduce their severity, frequency and duration.

Councilmember Matthews questioned the significance of any benefit derived by a year-round fertilizer ordinance.

Ms. Hecker replied no research had been conducted regarding same, pointing out rainy season bans alone had been difficult to implement; however, doing so had resulted in a measurable impact on reducing nutrient pollution.

Consensus was to add support of CHNEP's efforts in the subject area to the legislative agenda.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik stated a contract for the City-wide Master Plan might be available in time for presentation at the next Council meeting, explaining he was awaiting information on the Gilchrist Park Waterfront Activity Center.

CITY ATTORNEY

City Attorney Levin reported the City had been served with notice of two litigation matters, one regarding a Special Exception in the Vivante community and the other related to canal maintenance assessment methodology.

CITY CLERK

City Council Service Boards & Committees 2018-2019

City Clerk Smith drew members' attention to the list of boards and committees upon which Council served as well as Councilmembers' current representation and preferences, requesting a discussion of assignments for FY 2018/2019.

Discussion ensued with consensus as follows:

Councilmember Carey - Charlotte County Airport Authority; Charlotte Harbor Environmental Center

Councilmember Cummings - Punta Gorda Housing Authority; Tourist Development Council

Councilmember Matthews - MPO; Punta Gorda Business and Economic Development Group; Southwest Florida League of Cities (Alternate)

Councilmember Wein - CHNEP Policy Committee; Regional Planning Council

Mayor Prafke - Southwest Florida League of Cities; Tourist Development Council

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals (Alternate)

Punta Gorda Housing Authority

Building Board

Historic Preservation Advisory Board Alternate

City Clerk Smith announced the vacancies.

Nominations

Historic Preservation Advisory Board (2)

Councilmember Matthews nominated all interested parties.

Appointments

Code Enforcement Board (2)

Voting forms were distributed.

City Attorney Levin announced Messrs. Timothy Heggan and Edward Weiner had received the most votes and were thus appointed to the Board.

Punta Gorda Isles Canal Advisory Committee

Voting forms were distributed.

City Attorney Levin announced Mr. Paul Raffa had received the most votes and was thus reappointed to the Board.

POLICY AND LEGISLATION

MATTHEWS: Confirmed there were currently two Council meetings scheduled in December 2018.

- Reported on a spirited discussion of the Nesbit Street intersection at a recent meeting of the MPO, stating she believed the issue had been settled.

- Announced FDOT was moving forward with intersection improvements at Carmalita Street and U.S. 41, including installation of a traffic light in 2020 and repaving from William Street to the U.S. 41 Bridge.

CAREY: Stated it was an honor to serve on the City Council, adding she looked forward to the next two years.

PRAFKE: Confirmed she was available to attend a Veteran's Day event on December 11, 2018, welcoming other Councilmembers' attendance as well.

CITIZENS COMMENTS

Mr. Castronovo questioned the status of the phased approach to funding of the Veterans Park as well as construction.

City Manager Kunik replied individual portions had not yet been itemized.

Ms. Wendy Mueller expressed frustration at the timing of the traffic light at the intersection of Nesbit Street and West Marion Avenue.

Mr. Gary Skillicorn recommended Marion Avenue be closed on Halloween night in the interest of public safety.

Mr. Sabatini stated a fence installed along U.S. 41 on the City Marketplace property would discourage jaywalking and increase public safety.

The meeting was adjourned at 12:24 p.m.

Mayor

City Clerk