

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, FEBRUARY 1, 2017, 9:00 A.M.**

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

**CITY EMPLOYEES PRESENT:** Dave Drury, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Teri Tubbs, Urban Design; Tom Lewis, 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**

**St. Vincent de Paul Day**

Councilmember Wein presented the proclamation, which was accepted by Ms. Cathy McKenna, St. Vincent de Paul Walk for the Poor Committee.

**15 Year Service Award – John Kennedy, Marine Officer**

City Manager Kunik presented the award to Mr. John Kennedy, Police Department Police Chief Tom Lewis spoke of Officer Kennedy's service to the Police Department and the community.

**10 Year Service Award – Donna Larkins, Senior Accounting Clerk**

City Manager Kunik presented the award to Ms. Donna Larkins, Finance Department. Ms. Kristin Simeone, Acting Controller, spoke of Ms. Larkins' service to the Department.

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

**CONSENT AGENDA**

**Citizens Comments – Consent Agenda Items**

None.

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

**MOTION UNANIMOUSLY CARRIED.**

- A. City Clerk's Office
  - 1. Approval of Minutes: Regular Meeting of January 18, 2017
- B. Legal Department
  - 1. Monthly Litigation Report

## Citizens Comments – Regular Agenda Items Only

None.

### BUDGET

**A Resolution of the City Council of the City of Punta Gorda, Florida, authorizing submission of a Florida Department of State, Division of Historical Resources Small Matching Grant application; and authorizing execution of the application and grant agreement by the City Manager; and providing an effective date.**

City Attorney Levin read the resolution by title.

Ms. Teri Tubbs, Urban Design Manager, reported the in-house survey documenting historic structures in the City had been completed. She stated there was a question regarding the effect on homes in Punta Gorda Isles (PGI), noting it had been determined only five PGI structures were identified as having significance. She advised there were some advantages to having the historical designation, such as making improvements without regard to the 50% Federal Emergency Management Agency (FEMA) rule. She stated per City Code a Certificate of Appropriateness (CA) was required for changes to the exterior of any structure listed on the Florida Master Site File (FMSF), noting there was no charge for a staff review, but the paperwork was necessary to track any work done on the house. She explained staff was requesting authorization to pursue a State matching grant of up to \$50,000 to establish the potential historic significance of the documented structures, adding staff would like the determination certified. She concluded alternatively, if City Council did not approve same, the Land Development Regulations (LDRs) could be updated.

**Councilmember Prafke** voiced concern regarding imposing regulations retroactively. She stated although only five PGI homes were historically significant, there was an entire category of homes which had potential historic value, questioning if approval would be needed to make improvements to the exterior of those homes.

Ms. Tubbs replied it depended upon how the City's ordinance was drafted with regard to requirements, noting the current regulations encompassed all structures on the FMSF. She clarified structure locations could be submitted to the State and added to the FMSF; however, the City's ordinance could be crafted in such a manner as to create a local registry, and only those properties on the local registry would be affected by the additional requirements, such as needing a CA, noting in that way property owners could still receive the benefit of being on the FMSF. She stated staff would like to contact the five property owners to discuss the possibilities and determine whether they were interested in the additional protection of being on the local registry so that any changes to the exterior would receive that additional review.

**Mayor Keesling** confirmed once the property was on the registry, it remained on the registry regardless of whether ownership changed, voicing concern it could cause issues for future property owners.

**Councilmember Wein** stated several structures in his neighborhood were constructed when building codes were different, adding they were not in good structural condition. He stated in some cases the value of a structure was only one third of the whole value of the property, adding he did not want to see the process complicated and would not wish to impede the potential for development.

Ms. Tubbs displayed aerial views of the 5 PGI homes: 175 Donna Court, 2250 West Marion Avenue, 2120 Gulf View Road, 1920 West Marion Avenue and 1710 Jamaica Way.

**Councilmembers Matthews** voiced opposition to classifying those properties as historic in nature, asserting it would burden owners who purchased a home because it was in a residential overlay district rather than for historic value, and many owners were retirees with limited resources. She voiced concern the decision would be subjective, concluding PGI property owners would not be in favor of the historic classification.

**Mayor Keesling** pointed out the decision makers were experts in their field.

**Councilmember Wein** opined in the event of a hurricane, older homes could be dangerous due to the building codes in place at the time they were constructed, adding some were not structures which the City would want to preserve.

**Councilmember Prafke** stated she would be amenable to a voluntary list, adding mid-century style homes were significant as they reflected a particular time period.

Ms. Tubbs reiterated the ordinance could be crafted so as not to affect the PGI homes, explaining listing a location on the FMSF was simply a designation and did not mandate a CA unless the City required it by ordinance.

**Councilmember Cummings** stated if the homeowners wished to have their homes recognized, the City should help them do so; however, he agreed the regulations should not be forced upon those property owners.

**Mayor Keesling** inquired whether it could be a voluntary process.

Ms. Tubbs replied affirmatively.

**Councilmember Matthews** objected to same.

Ms. Tubbs stated if the property was included on the FMSF but the City did not include the address on its local registry, there would be no negative effect.

City Attorney Levin stated the City could identify structures which met the City's definition of historic, adding some would enable the homeowner to voluntarily apply

for a designation which would allow them to take advantage of the FEMA exclusion. He clarified renovation of the structure could be accomplished without coming into compliance with current elevation requirements. He stated this would be a benefit to the homeowner rather than being a mandatory requirement to obtain a CA prior to making improvements. He stated the survey identified those properties which would qualify if the owner voluntarily applied for the designation.

**Mayor Keesling** stated she would be in support of a voluntary system. She inquired if the Historic Preservation Advisory Board (HPAB) had discussed the topic.

Ms. Tubbs replied the HPAB had been involved throughout the process.

**Mayor Keesling** suggested the HPAB be requested to provide additional input on this topic, confirming same was not a time sensitive issue.

Ms. Tubbs stated staff would obtain input from the HPAB and draft ordinance language with assistance from the City Attorney.

City Attorney Levin stated it was unusual to have two important public considerations which were at odds, adding the City wanted structures brought up to current FEMA requirements and wind loading but also wished to take into consideration these older homes might be worthy of maintaining. He stated with owners who did not have the financial resources to bring the structure up to current codes, it provided a mechanism where they could be exempted from the FEMA 50% rule. He noted this would give them an opportunity to beautify and possibly retrofit the existing home with the kinds of improvements which made the roof safe but where that expense might exceed the 50% which was based on the market value of the structure only.

Councilmember Wein **MOVED** to deny the resolution, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

### **Boca Grande Area Drainage Improvements Design Alternatives**

Mr. Mark Gering, Engineering Manager, reported Kimley-Horn had completed the first phase of a drainage study and had modeled the findings in order to provide design alternatives.

Mr. Peter Van Buskirk, Kimley-Horn, distributed the Boca Grande Area Drainage Improvements - January 2017 Design Alternatives report, as delineated in the agenda materials. He briefly described the improvement area and displayed aerials identifying those areas with flooding conditions during a 4 inch rainfall event, which included developed properties, vacant lots, drainage ditches, driveways and sidewalks. He reviewed the three design options as well as the associated line item costs for each design, which included a 20% contingency as follows: Option 1, Maintenance, \$1.27

million; Option 2, Addition of Major Conveyance, \$3.5 million; Option 3, Addition of Major Conveyance with Pumped System, \$4 million. He then explained the water quality treatment aspects of the project might qualify for 319(h) grant funding from the Florida Department of Environmental Protection, which could fund up to 60% of those costs, or \$180,000, noting the application for same was due March 15, 2017, and required the project to be completed by 2021. He stated the project might also qualify for TMDL Water Quality Restoration Grant funding for best management practices, noting there were three grant application cycles within each year, and the City could request grant funds of up to 50% of all applicable costs of the project. He confirmed the City could apply for both grants, noting Kimley-Horn had recently been successful in obtaining 319(h) grant funds for Lee County.

**Mayor Keesling** inquired as to the water quality structure.

Mr. Van Buskirk replied it was a pond; however, it would contain control plants which were utilized to uptake nutrients, adding other items within the project itself could also be considered, such as inlets to remove hydrocarbons and traps to remove debris. He stated additional maintenance was required with those types of facilities; however, including those types of BMPs throughout the project could increase the likelihood of grant funding.

City Manager Kunik stated Option 1 could be handled within the current 1% Local Option Sales Tax (LST) program as it was on the list; however, Option 1 would not bring the neighborhood up to the standard of other neighborhoods. He stated Option 2 would allow the neighborhood to meet the 72 hour rule; however, the estimated cost was substantial, adding if the City applied for both grants and utilized LST funds, there would be a funding gap. He stated the estimated cost for Option 3 was not doable within the budget; thus, staff recommended Option 1 or 2.

**Councilmember Cummings** inquired whether Option 1 would cost more in the long term due to the need for further improvements.

Mr. Van Buskirk responded the City's desired level of service would not be accomplished with Option 1, and additional maintenance would be required in the future. He stated Option 2 would help minimize the need for maintenance and could accomplish the desired level of service.

**Councilmember Prafke** opined Option 1 was a band aid, adding Option 2 was an actual drainage project which addressed the problem. She stated the downstream flow and protection of Alligator Creek was important as was cleaning up Charlotte Harbor as it related to septic to sewer conversion, opining it was all interrelated. She inquired as to the gap between grant funding and available LST dollars.

City Manager Kunik replied approximately \$800,000 to \$1 million.

**Councilmember Wein** confirmed the flow of water ran to the south and east, inquiring as to the direction of the flow from Taylor Road.

Mr. Van Buskirk replied water made its way around the project area, clarifying some water flowed down Taylor while some flowed down Cooper Street.

**Councilmember Wein** opined there was a moral obligation to assist the neighborhood, adding if the project was done correctly, the quality of the water being discharged into Charlotte Harbor would be improved, which was important since the Harbor was part of the economic engine in the future of Punta Gorda. He inquired if Option 2 could be modified to Option 3 at some point in the future.

Mr. Van Buskirk replied affirmatively.

**Mayor Keesling** stated the conditions in the neighborhood were not safe for children as they were forced to walk or ride their bikes in the road on their way to school, inquiring whether the Charlotte County School Board could be requested to provide financial assistance for reconstruction of the sidewalks after the project was completed. She reiterated this project was on the LST funding list, and any excess funds should be used for same.

**Councilmember Wein** commented the area had much potential for further development, adding if the City chose to move forward, the project must be completed even if grant funding was not forthcoming.

City Manager Kunik stated one of the City's objectives was to ensure all neighborhoods had core infrastructures which were relatively equal, adding that had not been accomplished in this neighborhood; thus, it should be addressed.

**Councilmember Matthews** pointed out there were other safety hazards associated with sitting water, such as mosquitos and snakes.

City Attorney Levin confirmed Option 3 was a drainage or quantity project when compared to Option 2 which was more of an environmental water quality project. He inquired as to any grant requirements which would necessitate repayment by the City if Option 2 was converted to Option 3 at some point in the future.

Mr. Van Buskirk responded the pumping system would kick in when water was above the water quality storage level, similar to allowing water out through a discharge structure, adding pumping would remove the water more quickly. He stated it was necessary to be cognizant of the issue during the grant application process to make sure not to put the City in that position.

**Councilmember Wein** clarified water would only be pumped in an acute situation, at which time there would be sufficient dilution, and the water would not exceed certain parameters for discharge.

Mr. Van Buskirk stated staff could adjust the elevation for pumping; therefore, it might only be necessary to utilize the pumps in a 25 year storm event, reiterating the pumps could be utilized to remove water from the neighborhood more quickly.

**Councilmember Cummings** questioned whether grant funds might be available in terms of the Tideflex valves being an innovative means of eliminating the water.

Mr. Van Buskirk replied in the negative.

**Mayor Keesling** inquired how to obtain the permit from the Southwest Florida Water Management District (SWFWMD) and whether they would provide feedback on how the project should be designed.

Mr. Van Buskirk replied the design plans would be provided to SWFWMD; however, they would only comment on whether the project was meeting regulations rather than providing ideas for the design. He clarified SWFWMD might provide ideas to assist the City through the permitting process.

Councilmember Prafke **MOVED** approval of moving forward with design Option 2, submitting applications for the 319(h) and TMDL grants from the Florida Department of Environmental Protection and for staff to develop a proposal to address the gap funding, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

**Mayor Keesling** concluded as the project moved forward, Kimley-Horn would provide City Council with information regarding the status of grant funding and the permitting process.

**NOTE: A short recess was called at 10:27 a.m.**

#### **UNFINISHED BUSINESS**

#### **Discuss Conditions of Council Approval for Shade Structure for Car Wash at 120 West Ann Street.**

Ms. Tubbs explained staff could not approve the building permit submitted for the shade structure since it was not powder coated as required by City Code Section 26-4.39, noting City Council had approved the structure contingent upon meeting those requirements. She stated excepting the powder coating, the shade structure met the code requirements; however, City Council's previous motion had been very specific, adding since the legs were galvanized and not powder coated, staff was seeking direction. She stated she spoke with the property owner the previous date and he was

willing to powder coat the structural components to meet the provisions of the Code. She inquired if City Council desired to provide any further direction to staff.

**Councilmember Cummings** stated if the structure met Code requirement, there was no need for further action.

**Mayor Keesling** opined City Council had been very clear on their direction.

### **NEW BUSINESS**

#### **Seawall Maintenance Alternatives**

Mr. Gering recalled staff was asked to identify sustainable alternatives for maintaining and replacing seawalls in the Burnt Store Isles (BSI) and Punta Gorda Isles (PGI) Canal Maintenance Assessment Districts (CMAD). He explained 23 ideas were solicited from various community partners, as delineated within the agenda materials, and vetted by the two Canal Advisory Committees (CAC), adding the PGI CAC narrowed its list to two recommendations: engage a consultant for further study of new seawall panel technologies; obtain permitting for dredging a channel to the spoil site. He stated the estimated cost for the dredging included \$35,000 for the consultant and \$250,000 for construction, noting staff was not requesting approval of same at this time. He stated the purchase of residential lots for staging had been eliminated from the list due to cost and neighborhood concerns. He stated the BSI CAC narrowed its list to three recommendations: further study of seawall panel technologies; removal of the south side of the lock to widen the inlet for better barge access; purchase commercial parcel in northeast quadrant and dredge 90 degree corners for better barge access. He stated the estimated cost for the removal of the lock was \$25,000 for engineering and \$250,000 for construction; however, staff was not requesting any funding be allocated at this time, adding same could be considered for future budget cycles. He stated the idea of purchasing the commercial parcel was on hold until the first two recommendations could be studied further; however, they had also eliminated the idea of purchasing residential lots.

**Councilmember Matthews** inquired if it would be necessary to purchase barges.

Mr. Gering replied contractors owned the barges.

**Councilmember Matthews** inquired if the barge would be moved after the work day was finished.

Mr. Gering replied in the negative, explaining it was a place to take the barge if there was no vacant lot available. He clarified day-to-day operations would continue in the same way, adding it was a matter of the site where staging took place to complete the work.



**Councilmember Cummings** stated a consultant was needed as one-third of the City had canals, adding without vacant lots there would be a major issue as the seawalls had to be maintained.

**Councilmember Prafke** stated the BSI CAC had conducted an extensive review over the past several years, agreeing having a consultant would be helpful.

Mr. Gering recalled a consultant had reviewed the construction method of the City's seawall panels approximately eight years prior, adding at the time the panels were changed to utilize stainless steel type rebar. He stated there was much new technology since that time, and the City should take advantage of same.

**Councilmember Prafke** inquired as to the success of the vinyl panels used by Hurricane Charleys.

Mr. Gering replied the vinyl had a solid seawall behind it, adding the purpose was to gain some width for the walkway. He noted vinyl was not less expensive than concrete.

**Mayor Keesling** spoke in support of hiring a consultant, inquiring whether any other recommendations needed to be considered this date.

Mr. Gering replied no financial considerations needed to be decided this date, adding staff was presenting the information to put to rest the idea of purchasing residential lots within the two communities for the use of seawall construction.

**Councilmember Prafke** thanked the CACs for their discussion and input.

### **RECOMMENDATION FROM CITY OFFICERS**

#### **CITY MANAGER**

City Manager Kunik announced the How to Work With Your City presentation would be held in Council Chambers on February 8, 2017, at 7:30 a.m., adding a job fair would be held on February 11, 2017, at New Operation Cooperation Street from 10:00 a.m. to 2:00 p.m.

#### **CITY ATTORNEY**

City Attorney Levin announced there was a chance he might not be available to attend the next City Council meeting, noting Mr. Mark Martella would attend in his absence if necessary.

### **BOARDS AND COMMITTEES**

#### **Announcement of Vacancies**

Board of Zoning Appeals

City Clerk Smith announced the vacancy.

Building Board Alternate

City Clerk Smith announced the vacancy.

Building Board Alternate

City Clerk Smith announced the continuing vacancy.

Punta Gorda Housing Authority

City Clerk Smith announced the vacancy.

Punta Gorda Isles Canal Advisory Committee

City Clerk Smith announced the continuing vacancy.

### **Nominations**

Code Enforcement Board Alternate

Councilmember Prafke **NOMINATED** all interested parties.

Planning Commission Alternate

City Clerk Smith explained Ms. Linda Wein had withdrawn her name from consideration.

Councilmember Prafke **NOMINATED** all interested parties.

Utility Advisory Board

Councilmember Prafke **MOVED** to nominate and appoint Mr. Steve Fabian, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

### **POLICY AND LEGISLATION**

**KEESLING:** Announced there was a vacancy on the SWFWMD Governing Board for Charlotte/Sarasota County, confirming members would like to support a candidate.

City Manager Kunik agreed to include information regarding same in the Weekly Report.

- Reported two presentations of the State of the City Address had been scheduled: February 7, 2017, at 7:00 p.m. at the Punta Gorda Isles Civic Association; February 10, 2017, at 10:00 a.m. in City Council Chambers.

- Stated Hands Across the Harbor was a great success, noting one runner in the half marathon had a medical emergency; however, after receiving help from fellow runners and emergency medical staff, there was a good outcome. She thanked all those who had rendered assistance.

**PRAFKE:** Reported she had been meeting regularly with pickleball players and hoped to be able to provide a report in the near future.

**MATTHEWS:** Reported she spoke to one of the event organizers of the Shark Tank Event Venture Pitch meeting being held at the Isles Yacht Club on March 30, 2017, and was informed Councilmembers could register as government employees at a cost of \$25 each, adding she would share the website link immediately following the meeting.

**CUMMINGS:** Announced the Historic Home Tour was on Saturday, February 4, 2017, adding he had tickets if anyone was interested. He stated the proceeds benefited AMIKids Crossroads, Yaya Girls and New Operation Cooper Street.

**CITIZENS COMMENTS**

Ms. Ronna James voiced concern regarding flooding in her driveway and yard at 300 Carmalita Street, noting same occurred after every heavy rain. She objected to the current design of the library.

Mr. Jim Herston, Charlotte County Airport Authority, offered to take any comments from Councilmembers regarding Airport issues, reporting the Airport had exceeded the 1.1 million passenger mark for the year.

The meeting was adjourned at 11:00 a.m.

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Mayor

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City Clerk