

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JUNE 7, 2017, 9:00 A.M.**

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

CITY EMPLOYEES PRESENT: Dave Drury, Sharon Knippenberg, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Urban Design; Jason Ciaschini, 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

National Garden Week

Councilmember Prafke presented the proclamation to Ms. Vinita Jones, Punta Gorda Garden Club.

Caribbean American Heritage Month

Councilmember Cummings presented the proclamation, which was accepted by Ms. Sonia Owens and Mr. Omar Berry, Caribbean Jerk and Cultural Festival, Inc.

15 Year Service Award – Ricky Platt, Public Works Senior Crew Chief

City Manager Kunik presented the award to Mr. Ricky Platt, Public Works Senior Crew Chief.

Ms. Jenna Black, Sanitation Supervisor, spoke of Mr. Platt's service to the Division.

Recap of the 2017 State Legislative Session – Jerry Paul, Capitol Access

Mr. Jerry Paul, City Lobbyist, provided a detailed review of the recent 60 day, annual legislative session, announcing funding was cut for Enterprise Florida and Visit Florida; however, the Governor issued a proclamation requesting the Legislature revisit that funding. He stated Senator Joseph Negron placed a heavy focus on resolution of environmental issues such as the downstream effects of discharging water from Lake Okeechobee. He commented at length on various bills possibly affecting the City: solar property tax exemption; sales tax holidays; public records request reform; additional homestead tax exemption measure (to be placed on 2018 ballot); vacation rentals; election cycles for local officials; regulation of drones; shared economy (Uber and Lyft). He announced the Governor signed most of the major pieces of the \$83 billion proposed budget but vetoed a historic level of local projects, thus the basis for his call to the Legislature back into session. He commented briefly on the Constitutional Revision Commission, briefly explaining their responsibilities and goals.

Mayor Keesling inquired as to the bills Mr. Paul envisioned being enacted.

Mr. Paul replied CRA, vacation rental and gun/Second Amendment, opining the election cycle bill had a 50/50 chance of being re-introduced.

Councilmember Matthews questioned the future of home rule.

Mr. Paul replied the goal was to prevent local governments from stripping citizens of their rights rather than eliminating home rule.

Discussion ensued regarding home rule and the political aspect of the legislative process with Mr. Paul concluding with comments regarding performance of the local delegation and Punta Gorda's "political capital."

Councilmember Wein asked Mr. Paul to comment on the legislative position on fracking.

Mr. Paul replied anti-fracking bills had been filed in the last two sessions but had not passed; however, he anticipated future filings. He offered to provide the most recent filings along with Capitol Access' analysis of same.

Councilmember Cummings commented on home rule and the effect of political aspirations on same, stating he felt maintenance of home rule must be kept in the forefront of everyone's minds.

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

PUBLIC HEARINGS

A Resolution of the City Council of the City of Punta Gorda, Florida, approving a substantial amendment to the 2016 Community Development Block Grant Action Plan for the City of Punta Gorda as amended by City Council of the City of Punta Gorda, Florida, and providing for an effective date.

REQUEST TO WITHDRAW

Ms. Joan LeBeau, Interim Urban Design Manager, stated the resolution had been tabled at the May 17, 2017 Council meeting, explaining staff wished to withdraw the resolution at this time.

V-05-17 - Request for a variance by David Baker, Agent for Colony Point, Inc., pursuant to Chapter 26, Section 26-16.10, Punta Gorda Code, and Chapter 6, Section 6-28(b), Punta Gorda Code, to allow the existing condominium development to remove and reinstall an existing driveway structure that is 40.5 feet wide at the entrance of the condominium development instead of a maximum of 24 feet wide, as is required per Chapter 26, Section 26-10.3(h)(7), Punta Gorda Code, and that said driveway is 2.3 feet from the property line abutting a waterway, instead of maintaining 6 feet of sod abutting the seawall as is required

per Chapter 26, Section 26-3.13(e); Punta Gorda Code, for property located in the General Multi-family, 15 units per acre (GM-15) zoning district and addressed as 1 Colony Point Drive.

LEGAL: Colony Point Condominium, as recorded in Condominium Plat Book 1, Pages 17S-17G, of the Public Records of Charlotte County, Florida (a/k/a 1 Colony Point Drive, Punta Gorda, Florida).

CHARLOTTE COUNTY PARCEL ID: 412211551000

DELIBERATION CONTINUED FROM 05/17/2017 MEETING

City Attorney Levin explained staff met with representatives of Colony Point Condominiums and developed a Final Deliberation Agreement, as delineated within the agenda material, recommending approval including any conditions proposed by staff.

Mr. Dave Baker, applicant, confirmed the Colony Point Condominium Association was amenable to the terms of the Agreement.

Councilmember Matthews stated she understood from testimony presented at the previous meeting that the seawall at this location would be replaced in 2018; however, the Agreement indicated it would be replaced in 2021.

Ms. Lisa Hannon, Interim Zoning Official, explained the applicant requested the delay.

Councilmember Matthews inquired if the applicant planned to proceed with renovations prior to 2021.

Ms. Hannon replied they would proceed with renovations which did not require a variance, stating if the seawall failed prior to 2021, the applicant was aware of their responsibility for replacement of the driveway, wall and pillar at their own expense.

Mayor Keesling voiced concern regarding a four year delay, adding there were many scenarios which could require an amendment to the variance.

Ms. Hannon noted there was a variance amendment application which required a public hearing.

City Attorney Levin clarified in such an event, Council would be asked for approval of the amendment only, adding all other details would remain intact until City Council voted to change them or if the changes were considered to be substantial.

Councilmember Prafke **MOVED** approval of V-05-17 with the conditions set forth in the staff report presented at the May 17, 2017 meeting as well as those outlined in the Final Deliberation Agreement, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE RESOLUTION

No Public Hearing Required

Citizen Comments – Ordinances/Resolution Items Only

Mr. Steve Fabian asserted the City should not provide additional funding for the Punta Gorda Library.

A Resolution of the City Council of the City of Punta Gorda, declaring its intent to participate in a 50/50 cost sharing with Charlotte County for construction costs related to the enhanced design of the Punta Gorda Library (a/k/a South County Library and Historical Archives); and providing an effective date.

City Attorney Levin read the resolution by title.

City Manager Kunik stated the recommended approach was to share on a 50/50 basis only those construction costs associated with the enhanced design of the Punta Gorda Library (Library), such costs estimated at \$600,000.

Mr. Bill Albers, Friends of the Punta Gorda Library (FPGL), expressed pride in the City taking the lead in making the new Library a reality. He announced FPGL was prepared to donate \$150,000 to help pay the costs for furnishings and outfit the FPGL Bookstore.

Ms. Katie Mazey, FPGL, described the services provided to the community by the FPGL, including fund raising activities, stating the FPGL Board had authorized an offer of \$50,000 toward the cost of the enhanced design if the City and Charlotte County agreed to fund the balance.

Mayor Keesling clarified the \$50,000 donation would be applied to the abovementioned cost estimate of \$600,000.

Councilmember Prafke **MOVED** approval of the resolution and acceptance of the Friends of the Punta Gorda Library donation, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Mr. Travis Mortimer, Charlotte County Capital Projects Manager, stated he would present the resolution at the Charlotte County Board of County Commissioners meeting the following week and seek the Commissioners' direction.

City Manager Kunik clarified the Commission would not actually approve or deny the cost sharing proposal at that time but rather would only discuss same.

Mr. Mortimer explained he would then be able to proceed with the design and to coordinate the funding sources.

Mayor Keesling requested the City Manager speak with the Charlotte County Administrator regarding an amendment to the County's meeting agenda.

A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Annexation Agreement between City of Punta Gorda and Wal-Mart Stores East, LP and Murphy Oil USA, Inc., for the properties generally described as 5001 Taylor Road and 26359 Jones Loop Road in Punta Gorda, Charlotte County, Florida; authorizing the Mayor to execute the Agreement; providing for conflict and severability; and providing an effective date.

City Attorney Levin read the resolution by title.

City Manager Kunik recommended approval.

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

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin clarified the agreement provided for the City's consideration of the annexation but did not bind the City. He explained all actions necessary to finalize the annexation would be subject to the appropriate public hearings.

Discussion ensued with regard to the annexation's tax implications to the City.

ZA-02-17 – An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code, Chapter 26, “Land Development Regulations”, Article 8, “Standards of General Applicability”, Section 26-8.13, “Soil Conservation”, Subsections (a), (c), (d)(1) and (g); and amending Article 12, “Landscaping Standards”, Section 26-12.4, “Types of Landscaping”, Subsections (d)(8)d. and (d)(8)e., providing allowance for rocks in side yards; 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-02-17, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

ZA-03-17 – An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code, Chapter 26, “Land Development Regulations”; Article 11, “Sign Standards”, Section 26-11.3, “Permitted Signs”; amending Subsection 26-11.3(f), Subsection (f) in its entirety, providing for flag pole height and clarifying residential use versus commercial use and providing for maintenance; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Mayor Keesling confirmed the new language regarding adherence to the United States Flag Code requested by Councilmembers at their May 17, 2017, meeting had been added to Section 26-11.3(f)(8).

Councilmember Wein **MOVED** approval of ZA-03-17, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

ZA-04-17 – An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code, Chapter 26, “Land Development Regulations”; amending Article 16, “Application Review and Approval Requirements”, amending Section 26-16.10, “Application for Variance”, Subsection (l), amending definition of existing buildings to provide for relief for property owners needing to clear title; 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-04-17, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

ZA-05-17 – An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code, Chapter 26, “Land Development Regulations”; amending Article 8, Section 26-8.11 “Property Maintenance”, Subsections (a), (b), (c) and (d), clarifying the intent of those subsections; amending Section 26-8.11(e) 3., correcting a scrivener’s error; amending Punta Gorda Code, Chapter 9, “Public Nuisances”; amending Section 9-12, “Appearance and Maintenance Standards”, Subsections (a)(1), (a)(2), (a)(2)(b), (a)(2)(c), and (a)(3); concerning standards for exterior building walls; amending Section 9-12 by deleting Subsection (b) relating to rear and side walls and renumbering accordingly; amending the new Subsections 9-12 (b)(2) and (b)(3) for clarification purposes; deleting Subsection 9-12(d)(1) regarding display window areas; amending Subsection 9-12(d)(2) regarding display windows and incorporating said provisions in the new Subsection 9-12(b) as a new Subsection 9-12(b)(4); deleting Subsection 9-12(e) relating to canopies and awnings, and renumbering accordingly; amending new Subsection 9-12(c) providing for maintenance of roofs and roof structures; amending new Subsection 9-12(e) relating to maintenance of auxiliary structures; amending new Subsections 9-12(f)(1) and 9-12(f)(7) relating to maintenance of vacant lots; amending new Subsection 9-12(g) relating to temporary coverings; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Wein **MOVED** approval of ZA-05-17, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Regular meeting of May 17, 2017

C. Legal Department

1. Invoices of Allen, Norton & Blue, P.A. for services rendered through April 30, 2017

2. Monthly Litigation Report

Citizen Comments – Regular Agenda Items Only

Mr. Brad Gamblin voiced opposition to residential development on the City's West Henry Street property, opining green space added value to the community.

Ms. Sheri Lenora opined the City needed to reserve the property on West Henry Street for other projects rather than giving it away for development.

Mr. Paul Holmes stressed the City's remaining green space was precious and irreplaceable and should be preserved for the citizens in perpetuity, requesting the City Council make a final decision to preserve the site.

Mr. Gary Skillicorn applauded the residents who developed the proposal, adding the pathways and retention pond would primarily benefit future homeowners. He contended the new Library and History Park would be surrounded by residences and be allowed no room for growth.

BUDGET

Extension of the Term Contract with Wells Fargo Bank, NA of Miami, FL for Banking Services for the Finance Department

City Manager Kunik stated staff was seeking City Council's approval to extend the contract with Wells Fargo Bank for an additional six months to allow time to rebid the City's banking services contract.

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

MOTION UNANIMOUSLY CARRIED.

FY 2018 Budget Status Update for Utilities Operations and Five Year Capital Improvement Program

Ms. Sharon Knippenberg, Controller, displayed the Utilities Operations Fund Proforma Fiscal Year (FY) 2018 to FY 2022, as delineated within the agenda materials, reviewing total revenues, operating expenditures and transfers as well as existing and new debt service. She pointed out a beginning operating reserve of \$7,963,749 and an ending operating reserve of \$3,580,791 in FY 2018, explaining staff proposed cash funding approximately \$3.5 million of the RO project.

Mr. Tom Jackson, Utilities Director, stated as cost estimates had increased from the time the RO project was first discussed, additional funding would be sought from the Southwest Florida Water Management District (SWFWMD) as well.

Ms. Knippenberg then stated current City ordinance allowed four percent rate increases for three years; however, staff and the Utility Advisory Board recommended delaying the FY 2018 rate increase indefinitely due to much higher than expected revenues. She recommended the ordinance be amended to eliminate the FY 2018 4% rate increase. She then reviewed individual assumptions and reserve policies, as detailed in the agenda material, concluding staff's review of the operations portion of the Utilities budget.

Councilmember Wein confirmed the City was subject to SWFWMD watering restrictions even if sufficient water capacity existed. He then asked staff to comment on the upcoming Wastewater Treatment Plant (WWTP) issue.

Mr. Jackson explained once a WWTP in the State of Florida began approaching 70% of its permitted capacity, the Department of Environmental Protection required development of a design to expand the facility. He advised the City's WWTP was currently at approximately 62% of design capacity.

Mayor Keesling questioned the impact of the new force main on Jones Loop Road on capacity.

Mr. Jackson replied it was dependent upon development.

Discussion ensued with regard to the impact of annexation on planning from the standpoint of sewers versus septic.

Councilmember Cummings opined growth in a particular area such as Piper Road was more likely if sewer was already available.

Ms. Knippenberg then displayed the Utilities Construction Fund Proforma FY 2018 - 2022, briefly reviewing revenues and expenditures.

Mr. Jackson displayed the detailed Five Year Capital Improvement Program, as delineated in the agenda material, including funding sources and total project costs,

providing a brief review by category. He mentioned presentations by Advanced Metering Infrastructure (AMI) vendors were scheduled for June 29, 2017.

Ms. Knippenberg confirmed City Council would like staff to proceed with an ordinance amendment to delay the 4% rate increase as discussed earlier in the presentation.

NEW BUSINESS

Development Proposal for City-owned Property on West Henry.

City Manager Kunik announced this proposal was resident driven by Ms. Julie Moriarty and Ms. Julie McGillivray.

Ms. Moriarty explained the project consisted of 18 home sites within a public park setting, entitled "Punta Gorda Park & Custom Homes", located at least 250 feet or more from the existing Master Pumping Facility, relocation of the nearby dog park and a variety of park amenities. She then played a video outlining the proposal. She cautioned the proposal was conceptual, requesting discussions focus on the concept of mixed use residential and park land.

City Manager Kunik stated since 2004, the City has asked residents to present ideas which often resulted in significant savings, opining the subject proposal was professionally done and well thought out.

Councilmember Wein commented favorably on the proposal, stating he did not believe the subject property should be left empty. He further encouraged other citizens to come forward with their ideas in the future.

Councilmember Matthews thanked Ms. Moriarty and Ms. McGillivray for their hard work. She stated many citizens had voiced opposition to developing the land at this time, adding it might prove to be necessary in the future. She commented favorably on the idea; however, she was opposed to moving too quickly, adding she felt the City should continue to solicit ideas.

Mayor Keesling agreed many citizens were not in favor of developing this property, stating she preferred to leave the property in its current condition at this time. She stated she did not want to see another parking lot installed, adding there were ways to provide some of the proposed amenities. She complimented Ms. Moriarty and Ms. McGillivray on their proposal.

Councilmember Cummings stated the City was woefully inadequate in terms of housing for older residents, adding this property could allow them to live within walking distance of the City's amenities which in turn would help maintain their health. He opined a development similar to South Port Square in Port Charlotte, Florida, would be desirable somewhere in Punta Gorda.

Councilmember Prafke voiced her appreciation of the quality and creativity of the presentation, opining the best use of the property might become clearer once the new Library was constructed. She stated she was not in favor of moving forward with development of the property at this time.

Councilmember Wein clarified his intent was to start a serious, preemptive conversation on the best use of the property. He pointed out changes had already taken place nearby such as Fishermen's Village purchase of the IMPAC property.

Mayor Keesling countered the City was not being reactive, adding the City had requested proposals in the past but had later rejected same. She reiterated her desire to maintain the status quo with regard to the property at this time.

Ms. Moriarty expressed disappointment regarding City Council's comments this date due to the positive feedback expressed during meetings with individual Councilmembers. She clarified she would not have presented the proposal if she had been aware there was no interest in moving forward on developing this property, adding she felt citizens would be discouraged from presenting their ideas in the future.

Mayor Keesling countered she had not expressed a desire to move forward during her meeting with Ms. Moriarty and Ms. McGillivray.

Councilmember Matthews explained she had received numerous letters of opposition from her constituency since her individual meeting, adding she must act in the best interest of the majority.

Mayor Keesling pointed out Councilmembers could not make any type of decision outside of their advertised, public meetings.

City Manager Kunik agreed, noting this date was the first opportunity for City Council to have this type of discussion.

Ms. McGillivray cautioned those citizens who corresponded with Council might not be representative of the entire community.

RECOMMENDATION FROM CITY OFFICERS

CITY CLERK

Florida League of Cities Voting Delegate

City Clerk Smith explained City Council selected a voting delegate to attend the Florida League of Cities business meeting held during their Annual Conference in August of each year, adding an alternate could also be selected in the event the primary delegate was unable to attend.

Discussion ensued with consensus for Mayor Keesling to serve as the delegate for 2018, with Councilmember Prafke serving as alternate.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals

City Clerk Smith announced the continuing vacancy.

Board of Zoning Appeals Alternate

City Clerk Smith announced the continuing vacancy.

Building Board Alternate

City Clerk Smith announced the continuing vacancy.

Burnt Stores Isles Canal Advisory Committee

City Clerk Smith announced the vacancy.

Planning Commission (2)

City Clerk Smith announced the vacancies.

Punta Gorda Isles Canal Advisory Committee

City Clerk Smith announced the continuing vacancy.

Nominations

Building Board

Councilmember Wein **MOVED** to nominate and appoint Mr. Thomas Thornberry, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

KEESLING: Reported Ms. Susan Haynie had not been appointed to the Constitution Revision Commission as recommended by the City, adding Mr. Carlos Beruff had been appointed to serve as Chairman.

CITIZENS COMMENTS

Mr. Ray Rose opined those citizens who attended meetings and often spoke in opposition to various proposals tended to be representative of the minority.

The meeting was adjourned at 12:32 p.m.

Mayor

City Clerk