

**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JULY 5, 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; 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.

**PROCLAMATION/PRESENTATIONS**

**25 Year Service Award – John Briggs, Fire Department**

City Manager Kunik presented the award to Mr. John Briggs, Fire Department.

Fire Chief Ray Briggs spoke regarding Mr. Briggs' service to the Department.

**Advanced Institute for Elected Municipal Officials Certificate of Completion – Councilmember Cummings**

Mayor Keesling presented the Certificate of Completion to Councilmember Cummings.

**Introduction of Board/Committee Member Nominees**

Mr. Jake Dye introduced himself as a nominee for the Punta Gorda Isles Canal Advisory Committee.

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

**PUBLIC HEARING AGENDA**

**Quasi-Judicial Public Hearings**

**SE-02-17 – A Special Exception request by Geri Waksler, Agent, for Punta Gorda Investors, LLC, property owners, for a Special Exception pursuant to Chapter 26, Section 16.8, Punta Gorda Code, to allow an assisted living facility with a memory care unit to be located in a General Multi-Family zoning district, as is permitted by Special Exception approval per Chapter 26, Section 3.5(f)(13), Punta Gorda Code, on property zoned General Multi-Family 15 Units per acre (GM-15), and addressed as 2001 Aqui Esta Drive.**

**Deliberation Continued From 06/21/2017**

City Attorney Levin read the Special Exception request by title, explaining City Council had closed the public hearing at the June 21, 2017, meeting.

Ms. Lisa Hannon, Interim Zoning Official, read the conditions proposed by the applicant, as delineated within the agenda materials.

**Mayor Keesling** stated the conditions offered by the applicant were thorough and addressed many of the concerns expressed by residents, adding if approved, the conditions would be attached to the property should it be sold in the future.

City Attorney Levin clarified if the property was sold, an amendment to the Special Exception would be required for the same use; however, if a different use was proposed, the conditions might not be applicable.

Discussion ensued regarding permitted and other uses and the applicability of a Special Exception.

**Councilmember Matthews** voiced disappointment regarding the tone of some residents' emails, pointing out the developer had certain rights. She stated if the proposed project was not approved, a less desirable project might be constructed. She opined the use was appropriate for the location; however, she was concerned the building size did not meet the criteria nor was it compatible with the community.

**Councilmember Cummings** suggested an educational session for the public regarding the quasi-judicial hearing process. He stated facilities for seniors were woefully inadequate, adding many seniors in the area had requested support of the project. He opined the City should provide seniors with the best quality of life possible, adding they should not be penalized for getting older, losing a spouse or having a health challenge. He concluded he supported the proposal.

**Councilmember Prafke** stated based on residents' input, she had come to the conclusion they preferred no development occur on the property; however, that was not realistic.

**Mayor Keesling** pointed out changes to the site plan were made in response to citizens' concerns, adding the proposed project would be constructed to fit the use with landscaping which exceeded the City's requirement.

**Councilmember Cummings** voiced concern regarding the lack of a Class A facility in the City, stressing the project provided the least impact for the use of the property.

**Councilmember Wein** commented the need for these types of facilities was growing due to the aging population, adding he would prefer a smaller building footprint; however, he was leaning toward approval.

**Councilmember Prafke** inquired what type of trees would be used in the landscape buffer.

Ms. Hannon explained a landscape design would be required when the plans were reviewed by the Development Review Committee (DRC).

**Mayor Keesling** noted the proposed conditions indicated all trees within the landscape buffer would be a minimum of 10 to 12 feet in height and 2.5 inches in diameter at breast height at the time of installation.

Ms. Joan LeBeau, Interim Urban Design Manager, stated staff would make recommendations at the time of DRC review, adding large canopy, fast growing trees would be required.

Discussion ensued regarding minimum standards for landscape opacity.

Ms. LeBeau stated a minimum of 80% could be required for shrubs, adding staggered rows of trees would provide 100% opacity as they grew.

City Attorney Levin inquired if staff was comfortable that maintaining an 80% opacity buffer standard should be required.

Ms. LeBeau replied affirmatively.

**Mayor Keesling** confirmed members were amenable to the proposed architectural detail review committee also reviewing the landscape plan.

City Attorney Levin advised the 80% opacity standard could be included in Number 8 of the proposed conditions.

Ms. Geri Waksler, applicant's representative, drew members' attention to condition Number 9, which indicated a continuous, 60-inch high visual screen would be formed within one year after time of planting. She stated the word "continuous" could be replaced with "opaque". She stated the intention was to create a completely opaque screen at the two corners where parking and stormwater drainage were located as well as along the entire southern boundary, clarifying she was amenable to 80% opacity; however, a "walled in" facility would feel less like part of the community. She agreed a specific landscape plan could be addressed during committee discussions regarding the exterior elevations.

City Attorney Levin explained the procedures and reviewed the criteria for Special Exceptions, advising if City Council proposed to deny the Special Exception, they should identify specific criteria and the basis of their opinion that the criteria had not been met.

**Councilmember Matthews** stated it was a good use of the property and would not hinder the lifestyle of neighbors; however, she was concerned regarding the size of the building.

**Mayor Keesling** reiterated the proposed conditions were well thought out, adding she was comfortable with the project.

**Councilmember Prafke** spoke regarding the building size, suggesting it could be made to appear more like a series of structures.

Councilmember Cummings **MOVED** approval of SE-02-17 with the conditions as amended, **SECONDED** by Councilmember Wein.

**Mayor Keesling** clarified the changes included addition of the landscape plan review in Number 5, the word “continuous” would be replaced with “opaque” in Number 9 and 80% opacity would be added to Number 8.

**VOTING AYE:** Wein, Prafke, Keesling, Cummings.

**VOTING NAY:** Matthews.

**MOTION CARRIED.**

### **CONSENT AGENDA**

A. Citizens Comments

None.

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

**MOTION UNANIMOUSLY CARRIED.**

B. City Clerk’s Office

1. Approval of Minutes: Regular Meeting of June 21, 2017

2. A Resolution of the City Council of the City of Punta Gorda, Florida, Approving Amended Bylaws Governing the Function and Procedures of the Historic Preservation Advisory Board.

C. Legal Department

1. Monthly Litigation Report

D. Urban Design

1. Approval of the Amendment to Master Solar Lease Agreement and the Memorandum of Amendment to Master Solar Lease Agreement relating to the Florida Power & Light SolarNow™ Program

### **Citizens Comments – Regular Agenda Items Only**

Ms. Julie Price thanked Council for allowing residents to be part of the playground project.

Mr. Craig Holt, Harboritaville – Magic on the Water, requested City Council approval of closing the Harborwalk on October 21, 2017, from 7:00 a.m. to 7:00 p.m. due to anticipated attendance.

### **BUDGET**

#### **Presentation of Branding Project Proposal – AQUA**

Mr. Dave DiMaggio, Aqua Marketing Communications (Aqua), displayed a PowerPoint presentation on a City branding project, as delineated in the agenda materials, reviewing the plan objective, discovery recap of stakeholder participation, target &

comparative analysis, appropriate growth approach, elements of new city branding, strategic communications recommendations and fees. He explained Aqua had completed the discovery period and was just weeks away from completion of the brand creation, adding after development, the brand would be tested on the market. He stated Aqua recommended the City take control of its message and image with a single point of contact. He pointed out demographics were shifting, noting the baby boomer influx had resulted in residential development. He stated the millennial generation would drive home and business ownership in the future as they were now the largest part of the population; however, it would be 20 years before millennials made the same decisions as the boomers, clarifying there was a concern about generational backfill and whether the City would be able to maintain the same pace with residences, the tax base and infrastructure. He stated due to competitive shifts related to targeting the millennial audience, Aqua recommended the City's strategy focus on two broad sets of targets, internal stakeholder groups within the community and external targets which included relocations and visitors. He opined the City had reached a critical decision point and must grow to survive, explaining appropriate growth required proactive steps. He stated the community must understand appropriate growth, embrace the idea and be ambassadors for the message. He reviewed the elements of "New City Branding" as well as the strategic communications recommendations which entailed a three year blueprint, noting year one included City Council work sessions, formation of a "Blue Ribbon Panel" on growth, creation of a communications manager position, conducting stakeholder vision and branding presentations, creation of orientation materials, enhancement of the website and creation of externally focused social media channels.

**Councilmember Prafke** inquired when year one would begin.

Mr. DiMaggio replied branding would conclude within the next two months, adding year one of the communications plan and application of the brand would be implemented in the 2018 budget year. He reviewed the services to be provided, adding Aqua recommended the City hire an experienced communications manager. He concluded the agency fee was \$6,750 per month for the first year only, estimating \$50,000 in outside vendor charges.

**Councilmember Wein** stated the City wanted to maintain its small town charm while attracting light to medium industry by the Punta Gorda Airport and I-75, adding he assumed attracting industry would be included in the branding process even though certain areas were currently outside the City's jurisdiction.

**Councilmember Cummings** voiced concern the City was not ready for the economic development phase, opining residents did not understand the need for same. He stated until 15 years prior, the City had a balance between old Florida, the Gulf Coast and seasonal residents, rather than being just a place to retire, pointing out retirement communities needed even more robust service and entertainment offerings year round to meet residents' needs. He stated other cities had year round support of their businesses with no "slow down" season, adding if Punta Gorda was going to be the place it said it was currently, there needed to be a true understanding of the concerted economic effort involved. He concluded a marketing person might need to cultivate that consciousness in the community to create the initial buy in.

Mr. DiMaggio agreed the first step was building community consensus, adding the definition of the City would be much broader than a retirement community.

**Mayor Keesling** agreed the City needed a contact person for marketing efforts, adding she supported the project but felt the figure was large. She stated she was in favor of Aqua providing support as it was important to hire the right person to implement the plan.

**Councilmember Prafke** stated Aqua's ongoing consultation figure was large but there was much to do. She opined the proposal would help the community move forward as desired.

**Councilmember Wein** opined there would be an incredible return on investment in real dollars, adding it would provide control over how those dollars affected the City. He opined this type of branding, if done correctly, would allow the City to reach a 25% commercial burden to its tax revenue while maintaining the character of Punta Gorda.

City Manager Kunik stated when the General Fund budget was reviewed, City Council would need to determine whether to include all or part of the proposed fees.

**Approval to Continue Agreement with Let's Work USA of Ft Lauderdale, FL for Temporary Staffing for Sanitation.**

City Manager Kunik explained this was a temporary staffing contract.

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

**MOTION UNANIMOUSLY CARRIED.**

**A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Interlocal Agreement with Charlotte County for Sewer Master Planning; authorizing the Mayor to execute the Agreement on behalf of the City; providing for conflict and severability; and providing an effective date.**

City Attorney Levin read the resolution by title.

City Manager Kunik explained it would be most economical and expedient to utilize the firm contracted by Charlotte County.

**Councilmember Prafke** requested the utility service area be displayed on the website for clarity.

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

**MOTION UNANIMOUSLY CARRIED.**

**NOTE: Harboritaville – Magic on the Water was heard prior to Fiscal Year 2018 General Fund Budget Update.**

#### **Fiscal Year (FY) 2018 General Fund Budget Update**

Ms. Sharon Knippenberg, Controller, provided a General Fund status update, recalling the Long Range Plan was updated as of April 19, 2017, at which time City Council discussed budget alternatives. She displayed the Changes to Gap FY 2018, explaining based on previous City Council direction to staff, including retention of the drainage program, the budget gap was \$621,000. She then drew Councilmembers' attention to the Operating Reserve Projection FY 2018, noting staff proposed utilizing \$376,950 to balance the General Fund, adding after a reduction of \$1.5 million to satisfy the minimum 7.5% ending reserve policy, the estimated operating reserve available for allocation was \$1.5 million. She displayed the General Fund Proforma Review, explaining for FY 2019 staff assumed the ad valorem tax would modestly increase by 6%, operating expenditures would increase by 3%, the drainage and paving programs would be retained and the minimum reserve could be increased by .5% each year to reach the standard of a 2 month full operating reserve. She displayed the Operating Reserve Projection FY 2019, noting \$448,220 in reserves would be needed to balance the budget, leaving reserves available for allocation of \$999,340. She stated the City's policy was to match current revenues with current expenditures without using reserves; however, that was not yet occurring. She stated Phases 2 and 3 of the City Hall renovation and the City branding project were not yet included in the budget; however, the exotic tree removal figure was included.

City Manager Kunik stated it was necessary to decide whether to include a figure for branding to identify a funding source. He pointed out staff's rationale for retaining the current millage rate was to include \$500,000 for the drainage program, an enhanced level of service desired by the community. He stated staff was attempting to fund approximately \$1 million in roads and drainage, adding taxable value had increased, which meant a tax increase; however, it would be small for homestead properties.

**Councilmember Matthews** voiced concern regarding the cost of Aqua's ongoing contract, opining the right person would not need a marketing company's guidance; however, a two month overlap might be appropriate. She suggested a month-to-month contract.

**Mayor Keesling** voiced support for an annual contract for the first year, pointing out the City was creating a new department.

**Councilmember Wein** stated understanding the City's needs was more complex than developing relationships with the tourism industry, adding he was in favor of the retainer contract for the first year.

**Councilmember Cummings** agreed a minimum of one year was needed to develop relationships. He stated the millage rate had been stable; however, it was necessary for the City to brace for State legislation which increased the homestead exemption.

**Councilmember Wein** opined pressure on the millage rate could be reduced if the City's branding and marketing were successful in expanding the commercial base.

**Councilmember Prafke** stated Aqua had provided a valuable contribution to the Visitor and Convention Bureau's operation, adding the new marketing person should be provided with all the tools necessary to be successful. She suggested a not-to-exceed approach.

City Manager Kunik stated based on Councilmember feedback, staff would include the first year implementation in the budget; however, it was necessary to determine the funding source.

**Mayor Keesling** then explained Phase 2 of the Council Chambers renovation was a result of discussions regarding remodeling the room to make it more efficient, questioning how to determine the cost of an expansion and how many seats were necessary. She stated the proposed Phase 2 would increase capacity to approximately 75 seats without removing walls. She noted discussions also included creation of a videographer room and videotaping of all board meetings, opining same would provide a valuable public service. She added capacity for 150 seats was too large, voiced concern a larger meeting space would continue to be necessary when contentious items were heard. She inquired as to overflow for advisory board meetings.

City Clerk Smith reported the Recording Secretary had researched this issue for meetings which occurred during the past two years, adding there were only five instances where seats were full. She stated she had reviewed videos of the City Council meetings, acknowledging it was becoming more common for people to be standing; however, most instances were related to attendance at presentations. She voiced uncertainty as to how many seats would be sufficient, concurring there would likely



never be enough seats to accommodate larger crowds when there were issues of great interest to the public.

Mr. Mitchell Austin, Urban Design Planner recalled some years prior there was a CRA/City master plan for the block, which included some additional conceptual work for an expansion of Council Chambers and making City Hall Americans with Disability Act (ADA) accessible. He stated reviewing those documents might be a good starting point, adding Urban Design staff could retrieve that information and determine how to proceed if City Council wanted to entertain the idea of an expansion.

**Councilmember Wein** opined the overflow for presentations and meetings, such as Do The Right Thing, provided an ambience and a positive message; however, the overflow due to contentious matters was a separate issue which should be discussed.

**Councilmember Prafke** pointed out the new chairs would be mobile and would allow different room configurations and other uses.

Ms. Knippenberg stated Council could delay the decision about funding until October and do an appropriation at that time, or a placeholder number could be included.

**Mayor Keesling** pointed out the expenses of an expansion versus a renovation would be substantially different.

City Clerk Smith voiced concern some of the renovations in Phase 1 were predicated on accomplishing the renovations proposed in Phase 2, questioning whether to move forward if walls would be knocked down in the future.

**Mayor Keesling** stated an expansion would be a major capital improvement item for some point well into the future. She then inquired as to funds for new tablets for Councilmembers.

Mr. Brad Schuette, IT Manager, reported same were part of the equipment replacement cycle for next year.

### **UNFINISHED BUSINESS**

**NOTE: Gilchrist Park Playground Design was heard after Harboritaville – Magic on the Water.**

#### **Gilchrist Park Playground Design**

Mr. Austin reviewed the proposed site plan for the playground, as delineated in the agenda materials, noting same had been prepared by the design-build contractor, reviewed by staff and approved by the Friends of the Gilchrist Park Playground (Friends). He stated the proposed capacity was 181 children with a target age group of 2 to 12, explaining walking paths, pavilions and picnic tables were included. He stated the design theme was a pirate ship with shade structures representing the sails, adding a safe play surface was included in the cost estimate. He then reviewed the timeline,

reporting the existing playground would close July 31, 2017, with completion anticipated by January 2018.

**Mayor Keesling** inquired as to the fence type.

Mr. Austin replied it would likely be vinyl coated chain link.

**Councilmember Prafke** thanked the Friends for their contribution, which made the design possible.

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

**MOTION UNANIMOUSLY CARRIED.**

**NOTE: A short break was called at 11:19 a.m.**

#### **NEW BUSINESS**

#### **17-142700; Harboritaville – Magic on the Water; October 21, 2017; Four Points by Sheraton.**

City Manager Kunik recalled the City had been selective regarding closure of the Harborwalk for events due to citizen complaints, opining it would be difficult for people to traverse the proposed location; thus, staff recommended denial.

Mr. John Wright, Punta Gorda Chamber of Commerce, asserted the closure was needed for the safety of participants. He requested the closure from 11:30 a.m. to 6:00 p.m., adding the Chamber would redirect traffic, put up directional signs and use volunteers to guide people around the area.

**Mayor Keesling** opined Four Points could find a way to contain the people on their property, voicing concern regarding the safety of the general public who would be tempted to illegally cross U.S. 41 if the Harborwalk was closed.

Mr. Wright offered to pay for law enforcement to escort people across U.S. 41.

**Mayor Keesling** responded doing so in front of the hotel was not safe.

Ms. Hannon suggested an alternate route utilizing sidewalks beside the hotel parking lot and Harborside, explaining only a portion of the Harborwalk would need to be closed.

Mr. Austin pointed out the eastern side of the sidewalk in question was stormwater management area.

**Councilmember Prafke** voiced concern the Sheraton's lawn was being used more frequently for events; thus, a long term solution was necessary, adding the Harborwalk itself was a park for the public's enjoyment. She suggested the Sheraton should provide an attractive fence to restrict access if they continued to host events in that location.

Mr. Wright stated most events at the Sheraton had no admission charge, adding Ms. Sharon Morrison had requested the Chamber to manage this one-time event.

**Councilmember Wein** commented if the alternative route was for water retention and this was a one-time event, it was viable on a one-time basis.

**Councilmember Matthews** agreed.

**Mayor Keesling** stressed volunteers were still needed.

Mr. Wright agreed, adding he was uncertain about cyclists on the grassy area; however, he would meet with staff and provide a final pedestrian plan.

Discussion ensued regarding a possible route.

Mr. Austin expressed concern the route must be ADA accessible.

Councilmember Cummings **MOVED** approval of a one-time exception to close the Harborwalk from 12:00 p.m. to 6:00 p.m. with the conditions imposed on the route, ADA compliance and a revised site plan subject to final staff approval, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

**NOTE: Discussion of Temporary Event Signage was heard after Budget.**

**Discussion of Temporary Event Signage**

Ms. Hannon explained the most recent signage regulations did not take into account charitable events held by the country clubs which took place over the course of three or four days. She stated eight temporary promotional events lasting up to seven days were allowed per year; however, the limitation was two signs of up to 32 square feet. She stated there was an issue with the Isles Yacht Club's (IYC) Leukemia Cup activities, adding IYC requested authorization to hang sponsor banners on its property; however, they would be limited to two signs if same were viewed from the public right-of-way. She suggested utilizing the Special Event permitting process for events which took place on IYC property.

**Mayor Keesling** clarified that process included providing staff with a proposal for signage, confirming staff and the DRC could approve same.

Mr. Dye, IYC representative, spoke regarding the Leukemia Cup event, noting all activities were open to the public. He explained corporate signs and banners acknowledged sponsors' significant contributions, adding banners helped create the excitement needed to entice high quality competitors. He stated the event had been successful in the past, opining recognition of supporters encouraged more sponsorship in the future.

**Councilmember Wein** voiced support.

**Councilmember Cummings** agreed.

Ms. Hannon explained the organizer could include all scheduled event activities on the application as well as set-up information for review by the DRC, confirming there was a \$50 application fee.

Mr. Dye commented it would not be difficult to complete the application.

Discussion ensued regarding utilizing the Special Event permit application process for these types of events.

Councilmember Wein **MOVED** approval of using the Special Event permit application process for events held on private property, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

### **RECOMMENDATION FROM CITY OFFICERS**

#### **CITY MANAGER**

City Manager Kunik stated the July 12, 2017, meeting would include a discussion of the not-to-exceed millage rate and assessment district rates, adding Council would also discuss City Center Land Development Regulations regarding building height.

### **BOARDS AND COMMITTEES**

#### **Announcement of Vacancies**

Board of Zoning Appeals

Board of Zoning Appeals Alternate

Planning Commission

Utility Advisory Board

City Clerk Smith announced the vacancies.

#### **Nominations**

Board of Zoning Appeals

Councilmember Matthews **NOMINATED** all interested parties.

Building Board Alternate

Councilmember Prafke **MOVED** to nominate and appoint Mr. Robert Haynes, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

Burnt Stores Isles Canal Advisory Committee

Councilmember Matthews **NOMINATED** all interested parties.

Punta Gorda Isles Canal Advisory Committee

Councilmember Prafke **NOMINATED** all interested parties.

### **POLICY AND LEGISLATION**

**KEESLING:** Reported “fake news” was being perpetuated that the City was searching for a City Manager, adding the City Manager had expressed his willingness to stay on

as a contract employee after retirement. She stated if it was the wish of the Council, she would like to move it forward.

City Manager Kunik stated a contract could be worked out for a specified time.

**Councilmember Prafke** stated City Council needed time to consider the parameters of the specified time.

City Manager Kunik suggested the timeframe be related to completion of certain projects, opining it would be preferable to move forward with a contract sooner rather than later. He stated City Council would have no problem finding a new City Manager as many people would be interested in serving.

Consensus was to move forward.

**MATTHEWS:** Stated it was her understanding the new 7-Eleven was being constructed on U.S. 41 with the rear wall to the street and was unattractive, suggesting perhaps it could be painted with a mural.

- Commented it appeared the Board of Zoning Appeals (BZA) was having difficulty retaining members, suggesting the City research the legality of combining the Planning Commission and BZA.

**PRAFKE:** Announced the Founders Day Planning Committee would hold a meeting the following date regarding the week-long celebration to be held the first week of December 2017, reporting no City Hall tours would be offered due to dwindling attendance; however, the Fire Chief had expressed interest in offering a tour of the Fire Station.

- Reported the new Publix near Burnt Store was scheduled to open July 20, 2017.
- Stated annexation would be discussed with the owner of the property located adjacent to the Keesling property.

**WEIN:** Commented Mr. Ray Rose would be missed.

#### **CITIZENS COMMENTS**

Mr. Harvey Goldberg voiced appreciation for City Council's approval of the ALF.

The meeting was adjourned at 12:35 p.m.

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Mayor

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City Clerk