

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, SEPTEMBER 20, 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.

The invocation was heard, followed by the Pledge of Allegiance.

PROCLAMATIONS/PRESENTATIONS

Hurricane Irma Recovery Update

Fire Chief Ray Briggs described some of the preparations made in advance of the storm and provided an update on recovery, stressing the City was spared the level of destruction that neighboring communities had experienced. He expressed appreciation for City employees who served the community so well.

Mr. Mark Gering, City Engineer, reported approximately 894 reports of seawall failure had been received, adding emergency stabilization would be prioritized and performed where catastrophic damage was probable, and caution tape would be installed at sites over the next few weeks. He explained detailed inspections would be conducted to develop a scope of work for the contractor, adding same could take 6 to 8 months at current staffing levels; however, contractors would begin working before all inspections were completed. He stated the Public Works site would be expanded to perform seawall panel operations, adding a contractor was being sought to pour panels on site for better control of the process. He concluded the list and map of seawall failures could be provided to residents upon request, confirming same would be posted on the website.

City Manager Kunik reported debris removal was scheduled to begin the following date; however, an alternate plan was being devised as truckers were going elsewhere for better pay. He noted all recovery efforts must be documented to receive reimbursement from the Federal Emergency Management Agency (FEMA).

Mayor Keesling asked Chief Briggs to thank Charlotte County for mutual aid efforts.

Councilmembers Wein, Prafke and Matthews commended staff on their efforts.

Introduction of Board/Committee Member Nominees

Ms. Rebecca Rasmussen introduced herself as a nominee for the Board of Zoning Appeals.

PUBLIC HEARINGS

Quasi-Judicial Public Hearings

City Clerk Smith sworn in the participants.

AX-01-17 – An Ordinance of the City Council of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, property generally described as Wal-Mart, 5001 Taylor Road and Murphy Oil, 26359 Jones Loop Road, Punta Gorda, Charlotte County, Florida, and more particularly described in Exhibit “A” attached hereto, containing 25.93 +/- and 0.77 +/- acres respectfully, in accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; redefining the boundary lines of said City in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Joan LeBeau, Interim Urban Design Manager, displayed an aerial view of the property, as delineated in the agenda material, and explained the applicant had submitted a petition for voluntary annexation of an existing developed parcel. She confirmed the property was contiguous to current City boundaries and would not create an enclave when annexed. She briefly reviewed the requirements for an annexation, noting a pre-annexation agreement had been signed on June 7, 2017. She concluded staff and the Planning Commission recommended approval.

Mayor Keesling called for public comment.

Ms. Alicia Lewis, applicant’s representative, commended Councilmember Prafke, City Manager Kunik and staff for their assistance with the annexation process.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval of AX-01-17, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

CP-02-17 – An Ordinance of the City Council of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map for properties generally described as Wal-Mart, 5001 Taylor Road and Murphy Oil, 26359 Jones Loop Road, Punta Gorda, Florida, and more particularly described in Exhibit “A” attached hereto, containing 25.93 +/- and 0.77 +/- acres respectively, from Commercial General/County (CG/County) to Highway Commercial Corridor/City (HCC/City); providing for conflict and severability; and providing an effective date. **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. LeBeau entered the staff report into the record by reference, explaining the Comprehensive Plan Future Land Use Map (FLUM) amendment was related to the Wal-Mart annexation request, concluding there were no anticipated impacts to the area; thus, staff and the Planning Commission recommended approval of the amendment and transmittal of same to the Florida Department of Economic Opportunity (FDEO).

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Prafke **MOVED** approval of CP-02-17 and transmittal to the FDEO, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Z-02-17 – An Ordinance of the City of Punta Gorda, Florida, rezoning properties generally described as Wal-Mart, 5001 Taylor Road, and Murphy Oil, 26359 Jones Loop Road, Punta Gorda, Charlotte County, Florida, and more particularly described in Exhibit “A” attached hereto, from Commercial General/County (CG/County) to Highway Commercial/City (HC/City); providing for conflict and severability; and providing an effective date. **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. LeBeau stated the applicant’s intent was to annex the subject property into the City to allow for its development as a mixed-use “activity center” pursuant to the HCC future land use designation and HC zoning district classification. She concluded staff and the Planning Commission recommended approval, offering to answer questions.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of Z-02-17, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

PD-01-17 – An Ordinance of the City of Punta Gorda, Florida, rezoning properties generally described as 901, 1001, and 1101 Aqui Esta Drive, Punta Gorda, Florida, and more particularly described in Exhibit “A” attached hereto, containing 105.55+/- acres, from its current zoning classification of General Single Family 5 Units Per Acre (GS-5) to Planned Development Village (PDV); providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. LeBeau displayed an overhead of the subject property, as delineated in the agenda material, explaining the applicant’s rezoning request, noting the proposed private, condominium community would contain 23 buildings, a clubhouse and community recreation center, parallel boat slips and a multi-slip docking facility. She stated the project would contain 462 condominium units, which was less than the 528 units permitted under existing single family zoning regulations. She confirmed there were no additional requests to deviate from the Land Development Regulations (LDRs) regarding building height, length or separation, pointing out there was no commercial component within the proposed project, and the applicant was requesting City Council waive the requirement for commercial lands as permitted by Section 26-5.7(b)(1). She read the Staff Report into the record in its entirety, concluding the proposed development met the intent of the PDV concept permitted within the LDRs and was consistent with the Comprehensive Plan; thus, staff, the Development Review Committee and the Planning Commission recommended approval of the request.

City Attorney Levin commented the project included multiple docking facilities, adding if City Council approved the rezoning, same would be permissible uses under the rezoning; however, there were a number of legal and factual issues which would need to be resolved prior to issuance of permits.

Councilmember Wein inquired if the permit would be reviewed by City Council.

Ms. Lisa Hannon, Interim Zoning Official, responded any request for a special permit would be reviewed by the Canal Advisory Committee; however, if same was denied, it could be appealed to City Council.

Councilmember Prafke stated it would be necessary to stipulate the development become part of the Punta Gorda Isles (PGI) Canal Maintenance Assessment District (CMAD).

City Attorney Levin advised the City could not mandate the property become part of the CMAD; however, some of the outstanding legal issues could result in a voluntary request by the property owner to become part of the CMAD in order to resolve those issues. He clarified the docking facility, as proposed on the northern boundary, was outside the legal description of the subject property but within the property of the CMAD; therefore, the applicant would need to obtain permission from the CMAD to utilize the CMAD's lands. He stated access to the proposed docking facility also impacted lands which were owned by the CMAD; therefore, without accommodation between the parties, that access might not occur. He concluded approval of the proposal did not automatically approve the outstanding issues related to the docking facilities, adding for that work to be approved it would be necessary to work out how the applicant would obtain approval to construct their facilities on CMAD property. He reiterated it could be negotiated that in return for the CMAD authorizing the use of its property the project would need to become part of the CMAD. He confirmed he was referring to the parallel dock on the outside of the mangroves as well as the interior cut. He stated unless a court of competent jurisdiction determined otherwise, the City owned the lands and it would be his recommendation that the property owner must have some type of ownership interest in those lands before they could install their facilities thereupon.

Ms. Geri Waksler, applicant's attorney, proffered the applicant would apply to join the CMAD in return for authorization to utilize City lands subject to separate approval for those uses. She stated she understood in making that proffer, the City Council would base their decision partly on this proffer, adding she also understood in making this proffer, if the applicant did not follow through, the City had enforcement abilities.

Mayor Keesling pointed out Exhibit D did not speak to any docking facilities.

Ms. LeBeau noted this was a rezoning only.

City Attorney Levin clarified the use was permissible as part of the plan rather than a "permitted use".

Councilmember Matthews inquired as to the PDV application versus multi-family.

Ms. LeBeau replied multi-family could increase the density to 15 units per acre or 15 times the total acreage, adding staff would not allow same.

Discussion ensued regarding density and the inclusion of wetland acreage in the calculation.

City Attorney Levin advised there was very little property which was not buildable from a legal perspective. He clarified the property was buildable with mitigation, which was

why pursuant to City Code, the wetland acreage was included in the total acreage for density purposes.

Councilmember Matthews questioned why certain amenities, such as installation of a dedicated right turn lane from eastbound Aqui Esta Drive onto Tamiami Trail and a bike lane from Bal Harbor Boulevard to the project were not included.

Ms. LeBeau replied those amenities, specifically the right turn lane, would be considered at the time of development review, reiterating this application was strictly for the change of zoning from General Single Family to PDV. She concluded those additional amenities would not be as important since the commercial component had been eliminated.

Mayor Keesling announced the applicant had requested permission to exceed the allotted 30 minute timeframe for their presentation, confirming Councilmembers were amenable to same.

Ms. Waksler announced several expert witnesses would present their qualifications.

Mr. Ian Vincent, Ian Vincent & Associates, attested to his expertise in the area of resource conservation and as an environmental consultant expert.

Ms. Katie Berkey, Kimley-Horn and Associates, outlined her credentials as a planning expert with a concentration in land use and environmental planning.

Mr. Steve Padgett, Jr., Fawley Bryant Architecture, described his credentials and expertise in the area of architecture.

Mr. Reid Fellows, TR Transportation Consultants, Inc., described his expertise in the area of traffic impacts.

Ms. Waksler confirmed City Council accepted the expert witnesses. She then provided a PowerPoint presentation, as delineated in the agenda material, reiterating a brief description of the proposal. She stated there was a request to consider eliminating the parallel docks in favor of installing a dry storage facility, adding the applicant would accept that condition, if desired, as there was space for such a facility. She stated following the testimony of the expert witnesses, she would make concluding remarks.

Mr. Padgett displayed an overhead of the subject property, stating the strategy was intended to maximize the open space, to adhere to the LDRs and to create an innovative design in a pedestrian friendly environment which complemented and enhanced the neighborhood's vernacular. He pointed out intended locations of the site entries, clubhouse, court amenities and a drive throughout the development, bringing members' attention to preservation of a large open space.

Ms. Berkey attested the proposed rezoning was consistent with the approval criteria denoted in the LDRs as well as the Comprehensive Plan, submitting into the record her

Expert Planner's Report attesting to same. She confirmed the necessary permits had been secured from both the Army Corps of Engineers (ACE) and the Southwest Florida Water Management District (SWFWMD), noting the design of the boat slips and the multi-docking facility would require approval in a separate quasi-judicial hearing.

Mr. Fellows attested to the previously submitted traffic study, as delineated in the agenda material, offering to answer questions. He advised the existing property was entitled to 528 single family dwelling units, adding the subject proposal provided for a reduction in units which in turn resulted in a reduction in the overall trips expected to be generated by this development when compared to to the potential for the existing zoning.

Mr. Vincent provided a very brief history of the subject site's environmental permitting, stating the total project had 40.88 acres of wetland enhancement, also known as the preservation area, along with 4.76 acres of wetland impact, which left a net result of approximately 90% of the on-site wetlands being preserved and enhanced. He confirmed the permitting process revealed the project was unlikely to affect any protected species.

Ms. Waksler entered all of the application materials into the record as exhibits, including the expert witness reports and an electronic copy of her PowerPoint presentation. She stated future land use planning and zoning were not a contract with the community, adding both sets of regulations may be amended upon the request of an applicant and the showing that the request met the adopted standards for granting the amendment. She stated in this instance the applicant sought no change to the Comprehensive Plan, adding the property was designated low density residential and the proposed plan was consistent with that land use designation as well as with the density limitations of that designation. She explained the request was for an amendment to the zoning map from the existing GS-5 to PDV, which locked in the concept plan and preservation of the wetlands on the site. She stated a PDV rezoning provided City Council with the ability to impose conditions, such as designing the project to include shielded lighting to prevent light from escaping the boundaries of the site. She stated Ms. Berkey's presentation established how this project met every criteria for approval, adding it was demonstrated the proposed rezoning would generate less traffic than the existing zoning and would be within City and County adopted levels of service. She pointed out the significant commercial uses previously proposed had been eliminated, which also reduced transportation impacts. She confirmed all environmental buffering requirements would be met, and the development would have no adverse impact to any protected species, adding an

extraordinary amount of preservation and wetland mitigation would occur. She stated her experts' testimony was supplemented by the review and conclusions of City staff. She requested City Council approval of the rezoning, further asking for an opportunity for rebuttal following public input.

Councilmember Matthews inquired if the applicant would consider putting single story villas on the north side of the property adjacent to the parallel dock.

Ms. Waksler replied the applicant would not be able to grant that request.

Councilmember Matthews inquired as to a timeframe for the proposed project.

Ms. Waksler replied approximately 18 months for groundbreaking with build out in 10 years.

Mayor Keesling inquired whether dry docking was typically a large steel building.

Ms. Waksler replied the façade could be designed to mimic other building facades.

Mayor Keesling inquired how the concept plan would be locked in if approved.

City Attorney Levin responded no concept plan was included in the ordinance, recommending language be added to Paragraph III to reference same. He inquired if a concept plan was available.

Ms. Waskler displayed page 60 of the application, noting same was the concept plan, and the applicant would accept a condition that the development must be in substantial conformance with same.

City Attorney Levin inquired how the recreational amenities were described on the concept plan.

Ms. Waksler replied same included accessory community recreation center uses including but not limited to parking, open space, active and passive recreation including pool, tennis, bocce courts and pickleball.

City Attorney Levin recommended the site plan be made Exhibit E to the ordinance with the addition of certain language.

Ms. Waksler stated there was no objection to same.

Councilmember Wein inquired as to any future potential for public/private amenities, such as connections for bicycle paths.

Ms. Waksler replied the applicant would be amenable to opportunities to develop public/private amenities in the future, pointing out the economics of the project were different in terms of what it could support and invest based on the return.

Councilmember Prafke recalled previous objections to the parallel dock, opining there was insufficient space and it would create a hazard.

Ms. Waksler replied concerns were expressed; however, the applicant believed City Code standards regarding canal widths could be maintained, adding she understood

the need to establish before the Canal Advisory Committee that there was no hazard to navigation.

Councilmember Wein inquired if the dry dock would be in lieu of parallel docks.

Ms. Waksler replied affirmatively, acknowledging the front of the dry dock facility was typically open.

City Attorney Levin voiced concern regarding potential impacts associated with a structure which had not been evaluated by staff. He pointed out it would necessary for the applicant to obtain all required governmental approvals for any docks, adding if such approval was not forthcoming, the applicant would be permitted to amend the site plan to include the upland storage facility, subject to staff and City Council review.

Ms. Waksler clarified the dry dock was not the applicant's idea but rather was proposed by the community.

NOTE: A brief recess was called at 11:07 a.m.

City Attorney Levin explained the public hearing procedure.

Mayor Keesling called for public comment.

Mr. David Clyatt requested a continuance to allow time for the homeowners to analyze the proposal and for the developer to answer questions regarding ownership of the land on the west and north sides of the property.

Ms. Allison Burch, Charlotte County Chamber of Commerce, reported the Board of Directors supported the proposal.

Ms. Charlene Duncan voiced objection to the rezoning.

Mr. Don Kidwell stated he supported development of the area; however, it was important to ensure the proposal supported the Comprehensive Plan, suggesting the City should benefit from allowing the rezoning.

Ms. Kim Mosteller opined the property should be developed in accordance with the FLUM, low density residential, questioning the determination there would be less traffic with the proposed density.

Ms. Kathleen Reed voiced opposition to the rezoning, opining it would not be safe to ride a bicycle in the area due to increased traffic. She asserted she received no notice of these proceedings until the property was posted, adding the hearing should be postponed until out-of-town residents returned.

Mr. Dennison Reed spoke regarding traffic and public safety concerns.

Mr. Bill Leach displayed an aerial view of the proposed site, objecting to the proposed density.

Mr. Joe Comeaux voiced concern regarding increased traffic on area roads.

Ms. Jane Leach asserted the proposal was being introduced while many residents were away, contending same “skirted” the Comprehensive Plan.

Mr. Randy Bunk stated permits obtained from the ACE and SWFMWD were for the previously proposed single family development for 191 homes, adding a major modification would be necessary to change from single family residential to condominiums. He asserted the developer was misleading the City, voicing concern the plan assumed the utilization of certain property which the developer did not own.

Mr. Jose Cevantis questioned whether the developer was pursuing Leadership, Energy and Environmental Design (LEED) certification, explaining LEED buildings saved energy and resources, generated less waste, supported human health, attracted tenants and cost less to operate.

Ms. Waksler stated the developer was looking into LEED certification; however, it was not possible to make an investment commitment at this time as the design process had not reached that point.

Mr. Tom Hamilton opined condominiums were an appropriate use. He requested City resources be dedicated to repairing existing seawalls before considering the construction of any new seawalls.

Mr. George Brown stated he did not object to development of the property; however, he was concerned about traffic congestion and objected to the proposed density.

Ms. Martha Bireda voiced support for the project as it would allow a multi-generational population to thrive.

Ms. Sara Smith requested City Council retain the current zoning.

Mr. Randy Thomas stated he preferred to retain the quaintness of the City, suggesting Aquí Esta Drive should be widened.

Mr. Mike Gage voiced concern stemming development could hurt the City, adding it was necessary to foster healthy sustainable growth.

Mr. Harvey Goldberg stressed City Council had a responsibility to the entire City, not just to a particular segment of one community, voicing surprise at those who disputed factual information. He reiterated approval of the development would provide needed tax revenues and additional residents, which would in turn promote a healthy City.

Ms. Alina Chancheva stated change was difficult; however, people were adaptable and would adjust. She opined people wanted to move to this area, but housing was lacking.

Councilmember Prafke inquired as to perimeter buffering which would ensure smaller properties were not overpowered by large scale buildings.

Ms. Waksler responded the proposed buildings had been moved inward as much as possible and significant green space, which far exceeded what was required by Code, was included with the intent to create a buffer for adjacent communities.

Councilmember Matthews confirmed the starting price point was \$450,000, opining same would not encourage younger families to move to Punta Gorda.

Mayor Keesling inquired as to the 191 figure previously mentioned.

Ms. Waksler responded same was included in the site plan submitted for SWFWMD and ACE permitting, acknowledging it would be necessary to modify the permits for the revised site plan; however, the applicant was not required to go through the entire permitting process. She pointed out SWFWMD and ACE did not regulate use or density.

Mr. Vincent clarified SWFWMD and ACE were concerned with impervious areas, storm water management, wetland impacts and flooding. He stated modifications were not unusual, stressing the applicant was not attempting to mislead anyone.

Councilmember Wein questioned whether improvements to Aqui Esta Drive had been added to the Metropolitan Planning Organization (MPO) project list.

Councilmember Prafke responded the project was on the MPO list but was currently unfunded.

Mr. Fellows stated traffic reports were prepared by a professional engineer utilizing fundamental transportation engineering principals to develop formulas and ratios, noting trip generation rates were conservative and based on data obtained from Punta Gorda and Charlotte County. He stated after including compounded growth rates and background traffic information, the rates were still within the adopted level of services within City and County Codes.

Ms. Waksler stated in response to concerns about the parallel boat slips, the Comprehensive Plan contained a number of policies which encouraged additional boat slips and mooring facilities. She stated the City had specific criteria for special exceptions for boating safety and facilities; however, the applicant was not prepared to discuss same as those criteria were part of a separate approval process. She stated she would be concerned if there was a vote which approved the rezoning but prohibited the parallel docks based on a concern for which no testimony had been heard. She displayed the concept plan, stating in response to comments regarding overbuilding and density, the applicant acknowledged a large number of units was proposed; however, City Council should compare the plan and the green space which would be preserved to PGI and the single family development which surrounded it to judge whether the proposal was overbuilding of the site.

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

MOTION UNANIMOUSLY CARRIED.

Mayor Keesling and Councilmembers Cummings and Wein disclosed they each met individually with the developer.

Mayor Keesling stated she was amenable to adding the conceptual plan to the ordinance.

Councilmember Cummings spoke at length regarding the City's fiscal position, lack of reserves, seasonal economy and sustainability, opining when projects were discouraged, it made the City more susceptible to bigger problems. He stressed when these types of decisions were made, it was necessary to think about their macro-economic effect and to consider whether a project was good for the entire City. He stated staff had provided a very detailed description of how the proposal was consistent with the City's Comprehensive Plan, concluding he fully supported the project as it was good for the City's economy.

Councilmember Wein opined the City was well positioned to attract year round businesses to the area; however, housing was lacking.

Councilmember Prafke stated it was important to preserve the historic character of the City; however, change was necessary. She opined the development would be a compliment to the community and help the City achieve some of its goals.

Councilmember Matthews stated she was undecided.

City Attorney Levin suggested the following language to revise Paragraph III of the ordinance, "Except as limited by the approved concept site plan, those uses and development standards for the Planned Development Village (PDV) attached hereto and incorporated herein as Exhibit D shall be permitted. City Council hereby eliminates the requirement for a minimum of 5% of the gross area of a PDV to be designated for shop front or work place buildings such as commercial uses on the subject site are not compatible with the surrounding community and that the proposed condominium community containing 23 buildings, a clubhouse and recreation area, parallel boat slips and multi-slip docking facility more fully integrates the project into the existing neighborhood. The project shall be developed in accordance with the concept site plan attached hereto and is incorporated herein as Exhibit E subject to all applicable governmental approvals." He recommended including a condition that shielded lighting be required.

Councilmember Prafke inquired if it would be appropriate to include a request for pedestrian and bicycle trails.

City Attorney Levin responded inclusion of some public facilities might be financially advantageous to the developer; however, same could be part of future discussions. Councilmember Cummings **MOVED** approval of PD-01-17 with the amendment to the language in Paragraph III, including the addition of Exhibit E, and inclusion of the requirement for shielded lighting, **SECONDED** by Councilmember Wein.

Voting Aye: Cummings, Keesling, Prafke, Wein.

Voting Nay: Matthews.

MOTION CARRIED.

NOTE: A short break was called at 12:51 p.m.

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments – Ordinances/Resolution Items Only

None.

GA-04-17 – An Ordinance of the City Council of the City of Punta Gorda, Florida, amending Chapter 17, “Public Utilities”, Section 17-7, “Water System Monthly Rates, Fees and Charges”, and Section 17-18, “Wastewater System Monthly Rates, Fees and Charges”, Punta Gorda Code, to remove the scheduled rate increases for fiscal year 2018; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Prafke **MOVED** approval of GA-04-17, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

Councilmember Prafke **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 September 6, 2017

2. Approval of Minutes: Budget Public Hearing of September 6, 2017

C. Legal Department

1. Monthly Litigation Report

2. A Resolution of the City Council of the City of Punta Gorda Florida, urging all members of the Florida Legislature to oppose legislation that would restrict or

- eliminate Community Redevelopment Agencies; directing the City Clerk to transmit a certified copy of this resolution to the Florida League of Cities and Charlotte County Legislative Delegation; providing for conflict and severability; and providing an effective date.
3. A Resolution of the City Council of the City of Punta Gorda, Florida, opposing legislative efforts to impede the constitutional right Florida's citizens have enjoyed for nearly 50 years to govern themselves under municipal home rule powers; opposing the Legislature's persistent intrusion into local finances, which are necessary to provide financial stability and essential services uniquely required by municipal residents and local businesses; directing City Clerk to transmit a certified copy of this resolution to the Florida League of Cities and Charlotte County Legislative Delegation; providing for conflicts and severability; and providing an effective date.
 4. A Resolution of the City Council of the City of Punta Gorda Florida, supporting legislation reforming the communications services tax in a manner that is revenue neutral; providing for a broad and equitable tax base; providing for enhanced stability and reliability as an important revenue source for local government; and providing a uniform method for taxing communications services in Florida; directing City Clerk to transmit a certified copy of this resolution to the Florida League of Cities and Charlotte County Legislative delegation; providing for conflicts and severability; and providing an effective date.
 5. A Resolution of the City Council of the City of Punta Gorda, Florida, supporting legislation to require certification for all recovery residences and recovery residence administrators to ensure that the vulnerable population in recovery is protected and that recovery residence administrators have the competencies necessary to respond appropriately to the needs of residents; directing City Clerk to transmit a certified copy of this resolution to the Florida League of Cities and Charlotte County Legislative Delegation; providing for conflicts and severability; and providing an effective date.
 6. A Resolution of the City Council of the City of Punta Gorda, Florida, supporting legislation that preserves local control of transportation planning, provides for a more equitable transportation funding formula between municipalities and counties, and provides for additional dedicated revenue options for municipal transportation infrastructure and transit projects; directing City Clerk to transmit a certified copy of this resolution to the Florida League of Cities and

Charlotte County Legislative Delegation; providing for conflicts and severability; and providing an effective date.

7. A Resolution of the City Council of the City of Punta Gorda, Florida, supporting legislation to provide long-term, recurring and adequate state funding that is equitably distributed throughout the state, for local government water resource and water quality improvement projects and infrastructure, including, but not limited to, projects that reduce nutrient and pollutant loading from wastewater sources, mitigate storm water and flooding impacts, and increase available water resources and supplies; directing City Clerk to transmit a certified copy of this resolution to the Florida League of Cities and Charlotte County Legislative Delegation; providing for conflicts and severability; and providing an effective date.
 8. Invoice of Persson & Cohen, P.A. for services rendered in August 2017
- D. Urban Design Division
1. Approval of CHNEP FY 2017 Workplan Amendments and Appropriation of Funds
 2. Approval of Watershed Report Scope of Work (CHNEP)
 3. Approval of Habitat Resiliency Project Scope of Work

Citizen Comments – Regular Agenda Items Only

None.

BUDGET

FY 2018 Strategic Plan

City Manager Kunik reported changes were made to the FY 2018 Strategic Plan based on Councilmember comments at the September 6, 2017, meeting.

Councilmember Cummings reported the formation of the Historic District Home Owner Association.

Councilmember Matthews inquired as to the increased response time for police.

City Manager Kunik replied same was the result of minimum staffing during the past year.

Councilmember Matthews **MOVED** approval of the FY 2018 Strategic Plan, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Authorization for City Manager to Approve Formal Bid Awards for 1) Marine Grade Concrete and 2) Rebar to Facilitate the Immediate Material Purchases for Fabrication of Seawall Panels.

City Manager Kunik explained staff desired to keep the process moving forward, adding the bids would be opening prior to the next City Council meeting, and staff

would like authorization to approve an award; however, the formal agreement would be reviewed by City Council.

Mayor Keesling voiced concern regarding the size of the purchase and the possibility of changes to the panel design.

Discussion ensued regarding purchasing materials to fabricate seawall panels.

Councilmember Prafke **MOVED** approval of staff's recommendation, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Discussion of Boat Trailer Parking in Special Residential Overlay District as a Result of Storm Related Seawall Failures.

City Manager Kunik explained staff was receiving requests from residents to temporarily park boat trailers on driveways in the Special Residential Overlay district while seawalls were being repaired.

Ms. Hannon pointed out not all boats were small enough to fit on a trailer. She suggested permits could be issued to allow boats to be stored on trailers in driveways and could be based on the contractor's timeframe for performing the work, noting staff could coordinate with the Canal Maintenance Division regarding same.

Councilmember Matthews voiced opposition, adding the Boater's Alliance was attempting to coordinate with local boat clubs to allow boat owners to utilize vacant docks while their seawalls were being repaired. She stated some boat clubs had already agreed to work with their members.

Councilmember Wein inquired as to allowing trailered boats to be parked on the vacant lot at the water treatment plant.

Mayor Keesling voiced opposition to same.

Councilmember Matthews suggested working with dry storage facilities to provide a discount.

Mayor Keesling stated she was in favor of issuing a permit if the process could be coordinated so as to avoid abuse.

City Manager Kunik suggested utilizing Laishley Park Marina's mooring field.

Discussion ensued with consensus to allow boaters with seawall failures to utilize the mooring field at no charge.

City Manager Kunik stated he would contact the Dockmaster regarding same.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

Hurricane Irma Recovery Update

City Manager Kunik reported the Budget Public Hearing would take place at 5:01 p.m., later this date. He stated removal of small debris piles had begun in Burnt Store Meadows.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals Alternate

Building Board Alternate

Code Enforcement Board

City Clerk Smith announced the vacancies.

Appointments

Board of Zoning Appeals (2)

Voting forms were distributed.

City Attorney Levin announced Mr. Frank Lepore and Ms. Rebecca Rasmussen had received the most votes and were thus appointed to the Board.

POLICY AND LEGISLATION

KEESLING: Announced the Punta Gorda Airshow would take place October 13 to 15, 2017, noting a 5K race would be held on the runway.

- Reported the Big Orange Fest had been rescheduled to November 18, 2017.

- Stated she would be attending the Florida League of Cities Board meeting and orientation the following day.

PRAFKE: Announced the Pickleplex groundbreaking had been rescheduled to October 17, 2017, at 9:00 a.m. at Florida Southwestern State College.

CUMMINGS: Stated the new exhibit at the Blanchard House would be open on September 29, 2017, between 3:00 p.m. and 6:00 p.m.

- Requested discussion of early retirement for former Police Chief Tom Lewis be added to a future City Council agenda.

City Manager Kunik explained Council would need to discuss whether they wished to move forward an ordinance to the Police Officers' Pension Board, which would then be presented to City Council for consideration.

Councilmember Cummings stated it should be done for the morale of the Police Department as well as for Mr. Lewis and his family, adding Mr. Lewis had served the City well, and it would be difficult for him to secure employment in his field.

Mayor Keesling voiced concern regarding further public discussions and the effect of same on the Knowlton family.

Councilmember Cummings stated Mr. Lewis and his family perceived that his employment outcome would be determined by his legal case, adding he could have been better prepared had he known that was not the situation.

Councilmember Wein stated he would like to delay the discussion until he could have a conversation with Mr. Lewis regarding the financial ramifications of early retirement.

Councilmember Cummings agreed. He then stated if the issue became a legal matter, it could cost the City much more.

City Manager Kunik stated according to the City's labor attorney, the former Chief was not covered by the Police Bill of Rights.

Councilmember Matthews stated she did not object to changing the separation status as a compromise, adding she was uncertain as to the early retirement request. She reiterated the concern regarding the effect of additional public discussions on the Knowlton family.

Councilmember Cummings reiterated the morale of the Police Department was low.

Councilmember Wein agreed, adding there was a sadness that needed to be tempered.

Councilmember Cummings acknowledged a decision had been made; however, this was a good option where the former Chief would be separated from the City but his dedication could be acknowledged and his family could be taken care of.

Councilmember Prafke stated she agreed with the sentiments regarding the former Chief, adding she preferred an early retirement at a discounted level without any additional cost to the City.

Discussion ensued regarding the penalty for early retirement.

Mayor Keesling stressed City Council did not administer the Pension Plan, adding if the separation had taken place differently, various options could have been explored.

City Attorney Levin cautioned any severance package could be considered an unlawful gift of municipal funds.

Councilmember Wein stated there might be funds outside of the City which could be made available to him until he reached retirement age.

City Attorney Levin stressed Councilmember Wein must conduct his discussions on a personal level rather than as a representative of City Council, advising against discussing any suggestion it be brought back to City Council.

CITIZENS COMMENTS

Mr. Sam Hoglund offered assistance in regards to the former Police Chief.

Ms. Bireda surmised Punta Gorda changed when the first development was built in the 1960s, noting mangroves and wetlands were lost at that time. She offered assistance regarding the former Police Chief, asserting there were many instances where officers had committed grievous crimes where the Chief had not been terminated. The meeting was adjourned at 2:01 p.m.

Mayor

City Clerk