

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

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

**PROCLAMATION/PRESENTATIONS**

**2017 Digital Cities Award**

City Manager Kunik presented the award, which was accepted by Mr. Brad Schuette, Information Technology Manager.

**Recognition of Employees and Volunteers who assisted with the "Light Up The Night" Event**

**Mayor Keesling** thanked all of the employees and volunteers who helped make the tree lighting event a success.

**Introduction of Board/Committee Member Nominees**

Mr. Mark Kuharski introduced himself as a nominee for the Punta Gorda Isles Canal Advisory Committee (PGI CAC).

Ms. Colleen Wright introduced herself and indicated her interest in serving on the PGI CAC.

**Note:** Public Hearings were heard following Donation of Surplus Laptop Computers to the Homeless Student Gap Fund of Charlotte County, Inc.

**PUBLIC HEARINGS**

**Quasi-Judicial Public Hearings**

**V-07-17 - Request for a variance by Charlotte Storage, LLC, property owner, pursuant to Chapter 26, Section 26-16.10, Punta Gorda Code, to allow a 6 foot tall security fence outside of the buildable area in a street yard, instead of a 4 feet tall fence, and to allow chain-link fence material, instead of brick, stucco, wrought iron, stone, metal, vinyl, finished wood or similar combination, as are required by Chapter 26, Section 26-8.5(b)(3), Punta Gorda Code, for the property located in a PD-SP zoning district. Short Legal: AQE 002 000A 0001 (Long Legal Description**

available upon request) A/K/A: 150 Rio Villa Drive, Punta Gorda, Florida, Charlotte County Parcel ID: 412318427011

City Clerk Smith swore in the participants for V-07-17.

City Attorney Levin read the variance title into the record.

Ms. Lisa Hannon, Zoning Official, displayed an overhead of the subject property, as delineated in the agenda material, entering the staff report into the record by reference. She explained Charlotte RV Storage, LLC, applicant, wished to create additional secured storage by placing a six foot chain-link fence along the street sides of the front section of the property; however, no hardship existed in deviating from allowed materials as fences along streets were only allowed up to a maximum of four feet in height and must be constructed of a decorative material. She concluded staff recommended denial of V-07-17 as the request did not meet the literal criteria of hardship as required by City Code; however, the Board of Zoning Appeals recommended approval provided an approved landscape buffer was included between the fence and public rights-of-way (ROWS).

Mr. Tim Boff, applicant's representative, stated quotes had been obtained for additional landscaping, noting the existing white fencing would be retained. He stated additional chain link fencing would be installed for security, noting U-Haul trucks would no longer be stored at the location.

**Councilmember Prafke** inquired as to the lack of landscaping on Baynard Drive.

Mr. Boff replied plants currently installed by previous owners provided buffering on Areca Street.

**Councilmember Prafke** noted the Podocarpus border on Adeline Street was overgrown, adding any approved landscape buffer would need to be properly maintained.

**Councilmember Matthews** voiced concern regarding the many different types of fencing being used, requesting some consistency to improve the appearance. She expressed opposition to installing chain link.

**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** reiterated the need for a landscape buffer that was pleasant in appearance.

Councilmember Prafke **MOVED** approval of the additional, six foot chain-link fencing on the condition a landscape buffer was installed along all chain-link fencing installed

on the property, with the exception of Areca Street, **SECONDED** by Councilmember Cummings.

City Attorney Levin requested staff advise City Council on standards for acceptable landscape buffering.

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

**VOTING NAY: Matthews.**

**MOTION CARRIED.**

### **ORDINANCE/RESOLUTION**

#### **No Public Hearing Required**

#### **Citizen Comments – Ordinances/Resolution Items Only**

None.

**GA-07-17 An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 7, “Building Regulations”, by amending Article I, “Building Board”; amending Section 7-3, Powers and Duties; amending Section 7-3.1, Penalties, Restitution, Fines and Costs; Article II, “Building Contractors”; amending Section 7-12, Application and Fees for a Certificate of Competency; amending Section 7-13, Action Against Certificate Holders; and amending Article III, “Building Codes and Regulations”; amending Section 7-31, Additions, Amendments and Modifications to Building Code; amending Section 7-32, Violations of Building Code and Penalties; amending Section 7-35, Building Numbering; amending Article V, Floodplain Management Code, Chapter 1, Administration; adding a new Section 101.6, Disclaimer of Liability; amending Article V, Floodplain Management Code, Chapter 2, Definitions; amending Section 202, Definitions; Article V, Floodplain Management Code, Chapter 3, Flood Resistant Development; amending Section 307.8, nonstructural Fill in Coastal High Hazard Areas (Zone V); providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title only.

Councilmember Wein **MOVED** approval of GA-07-17, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

### **CONSENT AGENDA**

Citizen Comments - Consent Agenda Items

None.

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

**MOTION UNANIMOUSLY CARRIED.**

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of December 6, 2017

C. Legal Department

1. Invoices of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered through December 14, 2017
2. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Pre-annexation Agreement between the City of Punta Gorda and Jones Loop Road, LLC, for the annexation of certain real property comprised of approximately 13.78 acres located in "The Loop Municipal Service Area"; authorizing the Mayor to execute the Agreement; providing for conflict and severability; and providing an effective date.

D. Utilities Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida, accepting a Bill of Sale, Release of Liens/Affidavit of No Liens, and Warranty from Airport Road Properties, LLC for 1,074 lineal feet of force main and 30 lineal feet of water service at 24368 Airport Road, Punta Gorda, FL.

**Citizen Comments – Regular Agenda Items Only**

Mr. Bob Prince requested resources be assigned to the seawall failures in Burnt Store Isles (BSI) in conjunction with PGI.

Mr. Bill Hughes requested a date for the BSI repairs be confirmed as soon as possible.

**BUDGET**

**Award of Agreement to Centennial Bank of Punta Gorda for Banking Services**

Ms. Marian Pace, Procurement Manager, provided a review of the bids received.

Councilmember Prafke **MOVED** approval of the award of agreement to Centennial Bank of Punta Gorda and to authorize the City Manager to sign the required banking form upon assignment of an account number, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

**Award of Agreement to Kimley-Horn and Associates of Lakeland, FL for a Master Agreement for a Transportation Build-out Study and Subsequent Updates as Needed**

Ms. Pace outlined the bid process, recommending approval of the award and appropriation of funds.

Councilmember Prafke **MOVED** approval of award of the agreement to Kimley-Horn, **SECONDED** by Councilmember Cummings.

**MOTION UNANIMOUSLY CARRIED.**

**Award of Agreements to 1) Duncan Seawall, Dock & Boatlift, LLC of Sarasota, FL; 2) Marine Contracting Group, Inc. of Punta Gorda, FL; and 3) Shoreline Foundations of Pembroke Park, FL for Seawall Installation for 6 Zones.**

Ms. Pace provided a detailed explanation of the bid process for the seawall repairs project.

**Mayor Keesling** asked staff to comment briefly on mobilization, stating a suggestion was made to not repair seawalls at vacant lots; however, she acknowledged the cost effectiveness of doing so when a contractor was already working on developed lots in the same area.

**Councilmember Prafke** clarified the suggestion was to prioritize seawalls at developed lots over those at vacant lots.

Mr. Mark Gering, City Engineer, explained every re-built seawall must be tied into an adjacent seawall for stabilization purposes, adding opting not to replace seawalls at vacant lots would result in higher costs in the future.

Discussion ensued with regard to seawall repair/replacement methods.

Councilmember Wein **MOVED** approval of award of the agreements to Duncan Seawall, Dock & Boatlift, LLC, Marine Contracting Group, Inc. and Shoreline Foundations and to appropriate funds, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

City Manager Kunik explained staff's process for project prioritization, noting the needs of the entire City must be considered. He stressed specific neighborhoods were not being sacrificed to benefit another.

**UNFINISHED BUSINESS**

**Non-Monetary Donation Policy**

Mr. Mitchell Austin, Urban Design Planner, explained a formal donation policy was being proposed, the purpose of which was to ensure the fair and uniform acceptance of donations or loans of artwork in support of the mission and goals of the City.

**Councilmember Matthews** inquired as to the donation review committee mentioned in the policy.

Mr. Austin replied bylaws would be drafted which would likely be modeled after the bylaws of the City's advisory boards/committees.

**Councilmember Matthews** inquired as to a timeframe for establishment of the committee.

Mr. Austin estimated the committee would be operational by February or March 2018.

**Councilmember Prafke** opined the committee should be informal.

City Attorney Levin explained this committee would be making recommendations to City Council and thus would be subject to the Sunshine Law.

**Mayor Keesling** confirmed the committee would meet immediately following Historic Preservation Advisory Board (HPAB) meetings on a quarterly basis; thus, the Recording Secretary would already be present as would three of the committee members.

Councilmember Cummings **MOVED** approval of the Non-monetary Donation Policy, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

#### **Update on Temporary Restroom Facilities in Gilchrist Park**

City Manager Kunik stated he anticipated the facilities would be connected to City utilities this date. He confirmed the restrooms would be closed at night.

#### **NEW BUSINESS**

**Note: The next item was heard following Introduction of Board/Committee Member Nominees.**

#### **Donation of Surplus Laptop Computers to the Homeless Student Gap Fund of Charlotte County, Inc.**

Mr. Larry Stewart stated he and Ms. Nancy Cwynar formed this program to address the unmet needs of approximately 458 homeless students in Charlotte County.

Ms. Cwynar spoke regarding the research conducted relative to those gaps, specifically technology, transportation and mentorship.

Ms. C. J. Metcalf acknowledged the Homeless Students Gap Fund was a worthwhile endeavor; however, she voiced concern with students possibly receiving duplicate donations. She urged City Council to consider donating surplus laptops to the Charlotte County Computer Group, a 501(c)3 entity, as their recordkeeping system prevented duplicate donations.

**Councilmember Wein** encouraged Councilmembers to support the Gap Fund as it targeted homeless students who wished to finish school.

**Councilmember Cummings** concurred, stating students were less likely to be reached unless a program directly targeted them.

**Councilmember Prafke** inquired as to the appropriate process for selecting an entity to which the City would make donations.

Mr. Dave Drury, Finance Director, explained the computers proposed for donation were surplus, noting none were purchased with grant funds.

**Councilmember Prafke** voiced concern with regard to the parent of a student who received such a donation then subsequently pawning the computer, asking if the process included any follow-up.

Mr. Stewart explained they worked with the students' counselors and teachers, adding the donations were tracked with serial numbers.

**Councilmember Cummings** opined Council should not second guess the program.

**Councilmember Wein** stated a mentoring program was in place along with the donation program.

Councilmember Matthews **MOVED** to donate the current surplus of laptops to the Homeless Students Gap Fund and to schedule a discussion regarding establishment of a process for future donations, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

### **Punta Gorda Reverse Osmosis Water Treatment Facility Third Party Review**

Mr. Tom Jackson, Utilities Director, announced receipt of the Intent to Issue Water Use Permit as of December 19, 2017, therefore allowing the bid process to commence. He reported a presentation on the third party review was made to the Southwest Florida Water Management District (SWFWMD) Governing Board, which unanimously approved funding for the City's Reverse Osmosis (RO) facility. He displayed a PowerPoint presentation on the third party review, as delineated in the agenda material, concluding with a review of the evaluation results and recommendations. He advised the SWFWMD Governing Board unanimously approved moving to the construction phase of the RO project.

City Manager Kunik stated the City had a \$32.2 million budget approval from SWFWMD, adding if bids exceeded same, which was likely, the City would seek additional funding from SWFWMD.

### **RECOMMENDATION FROM CITY OFFICERS**

#### **CITY MANAGER**

City Manager Kunik reported the Gilchrist Park restrooms were locked each evening at dusk with the exception of Tuesday and Thursday when the Park was open for musical events.

### **BOARDS AND COMMITTEES**

#### **Announcement of Vacancies**

Building Board

Building Board Alternate

Code Enforcement Board Alternate

Code Enforcement Board

## **Nominations**

Utility Advisory Board

Councilmember Prafke **MOVED** to nominate and appoint Mr. Mike Dougherty, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

Punta Gorda Isles Canal Advisory Committee (2)

Councilmember Prafke **NOMINATED** all interested parties.

## **POLICY AND LEGISLATION**

**MATTHEWS:** Stated she had attended her first Metropolitan Planning Organization (MPO) meeting recently, reporting briefly on possible changes to the Nesbit Street intersection and Carmalita Street.

**PRAFKE:** Mentioned certain holiday decorations installed by the City were aging and in need of replacement, suggesting funds be budgeted over time.

- Announced she was selling Punta Gorda Old Timers cookbooks, the proceeds of which benefitted the Women's Club, which was in desperate need of a new roof.

City Attorney Levin stated the Code Enforcement Board had discussed placement of a considerable amount of post-Irma debris placed at the curb by a business owner, adding the materials were of greater size and quantity than could be picked up by the Sanitation Division. He suggested the public be advised the deadline has passed for pick-up, and materials must be of a certain size.

## **CITIZENS COMMENTS**

Mr. Michael Haymans requested Mr. Doug Plattner be allowed to submit a proposal at the January 17, 2018 City Council meeting for settlement of the Code compliance liens against Winter Park Dodge.

**Councilmember Matthews** stated a suggestion was made to implement a program similar to Alert Charlotte, which was different from the City's Code Red program.

**Mayor Keesling** suggested the City Manager research Charlotte County's Alert Charlotte program for City Council's consideration.

The meeting was adjourned at 10:52 a.m.

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Mayor

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City Clerk