

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, MAY 1, 2019, 9:00 A.M.**

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

CITY EMPLOYEES PRESENT: Kristin Simeone, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Urban Design; Pamela Davis, Police; Ray Briggs, Fire; City Attorney Levin; City Manager Kunik; City Clerk Smith

Mayor Prafke 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

National Safe Boating Week

Councilmember Matthews presented the proclamation, which was accepted by Ms. Geraldine Daily, U.S. Coast Guard Auxiliary, and Mr. John Welsh, Punta Gorda Boater's Alliance.

Hibiscus Day

Mayor Prafke presented the proclamation to Ms. Dianne Munson and Mr. Stan Munson.

National Institute of Governmental Purchasing Award for Outstanding Agency Accreditation Achievement (OA4) - Procurement Division

City Manager Kunik presented the award to Ms. Marian Pace, Procurement Manager, who accepted on behalf of the Procurement Division staff.

15 Year Service Award – Nancy Morris, Police Department

City Manager Kunik presented the award to Ms. Nancy Morris, Police Department. Ms. Pam Davis, Police Chief, spoke of Ms. Morris' exceptional service.

Introduction of Board/Committee Member Nominees

Ms. Cathy Getz introduced herself as a Punta Gorda Housing Authority nominee.

Councilmember Wein announced he would not seek re-election to a third term for District 3 in 2019.

Mayor Prafke announced her candidacy for District 5.

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

PUBLIC HEARINGS

Quasi- Judicial Public Hearings

Z- 01- 19 – An Ordinance of the City Council of Punta Gorda, Florida, rezoning approximately 0.88+/- acres of property, generally described as 200 West Henry Street, Punta Gorda, Charlotte County, Florida, and being more particularly described in Exhibit “A” attached hereto, from its current zoning classification of Planned Unit Development (PUD) to Neighborhood Residential 15 Units Per Acre (NR- 15); providing for conflict and severability; and providing an effective date.

CONTINUED FIRST READING

City Clerk Smith swore in the participants.

City Attorney Levin read the ordinance by title.

Ms. Lisa Hannon, Zoning Official, entered the staff report into the record, as delineated in the agenda materials, noting City Council had approved Z-01-19 at first reading on April 3, 2019; however, the applicant had requested to rescind his previous stipulations. She explained as per the City Attorney's request, City Council reopened the first public hearing on April 17, 2019, and continued the hearing to this date. She concluded staff and the Planning Commission recommended approval of the rezoning request.

City Attorney Levin inquired whether City Council wished to reconsider the approval of Z-01-19 based on the intervening facts.

Councilmember Matthews **MOVED** to reconsider Z-01-19, **SECONDED** by Councilmember Cummings.

Mr. Juergen Siewer, applicant, explained his reasoning for rescinding the stipulations, noting same would restrict development of the property which already had two easements. He stated he was advised not to limit rentals to long term as fluctuations in the economy might require flexibility, concluding there was much risk and a high cost to develop the project; thus, he was requesting to withdraw the stipulations.

Councilmember Matthews disclosed she attended the Design Studio meeting with Mr. Siewer, at which time it was noted that it might be difficult to achieve the desired density due to a potential retention pond as well as parking issues, adding it might be necessary to construct two story units.

Mr. Siewer stated he preferred one story units.

Councilmember Carey questioned why building height was being discussed on a rezoning request.

City Attorney Levin advised if the rezoning was granted, the owner could use the property for whatever use and intensity was permitted in that zoning code. He pointed

out the applicant could voluntarily restrict the use but Council could not impose a restriction.

Councilmember Wein stated he was amenable to the original submission.

Ms. Laurie Hutt objected to the aesthetics of two story apartment buildings and voiced concern as to sufficient parking for the units.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of Z-01-19, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments - Ordinances/Resolution Items Only

Ms. Wendy Young questioned the definition of Equivalent Residential Unit (ERU), voicing objection to the Alligator Creek Interlocal Agreement with Charlotte County.

A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Interlocal Agreement with Charlotte County for the Alligator Creek Waterway Unit; authorizing the Mayor to execute the Interlocal Agreement; and providing an effective date.

City Attorney Levin read the resolution by title.

Ms. Macalle Finkle, Paralegal, explained the County's established Municipal Service Benefit Unit (MSBU) for the Alligator Creek Waterway Unit would be expanded to include the Buckley's Pass dredging assessment area parcels, noting City parcels in the Burnt Store Isles neighborhood were already being assessed. She stated in order to effectuate the assessment, the County would follow the required process, noting the County's codified assessment methodology was based on ERUs.

Ms. Tara Musselman, Charlotte County Public Works, explained the additional parcels which would have access to Alligator Creek would be treated the same way as BSI residents, noting the rate was \$25; however, another dredge might be needed in 2021 and the budget could be adjusted at some point in the future. She stated this assessment was for navigation of Alligator Creek only.

Councilmember Matthews stated Buckley's Pass would not be operational until November or December 2019, and the tax bill was paid in arrears, questioning whether the assessment would begin with next year's tax bill.

Ms. Musselman explained the assessment would be collected in November 2019 for the 2020/2021 Fiscal Year.

Councilmember Matthews questioned why the rate would not be decreased after adding approximately 2000 additional properties to the MSBU.

Ms. Musselman responded the rate for 2019/2020 had more than doubled due to the upcoming dredging project, opining it would likely decrease but she did not have sufficient information to make that determination at this time. She then explained a single family home paid one ERU, adding if it was a non-residential property, that owner would pay the front footage divided by 80. She confirmed any request for relief must be approved by the County Commission.

A lengthy discussion ensued regarding the County's MSBU for Alligator Creek.

Councilmember Wein **MOVED** approval of the resolution, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

AX- 01- 19 An Ordinance of the City Council of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, property addressed as 324 Cooper Street, Punta Gorda, and generally described as a parcel of land lying within Lots 7, 8, 19 and 20, Block A, of LaVilla Subdivision, as recorded in Plat Book 1, Page 5, of the Public Records of Charlotte County, Florida, being more particularly described in Exhibit "A" attached hereto, containing 0.64 acres, 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.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Cummings **MOVED** approval of AX-01-19, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

CP- 01- 19 - An ordinance of the City Council of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map to include newly annexed lands; amending the Future Land Use Map to reflect the change in the current designations of Commercial/County (Commercial/County), to Urban Village/City (UV/City) for 0.64 +/- acres being a portion of La Villa

Subdivision, according to the map or plat thereof, as recorded in Plat Book 1, Page 6, Public Records of Charlotte County, Florida, Section 5, Township 41 South, Range 23 East, being more particularly described in Exhibit “A” attached hereto; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Cummings **MOVED** approval of CP-01-19, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Z- 02- 19 An Ordinance of the City Council of the City of Punta Gorda, Florida, rezoning 0.64 acres, a parcel of land lying within Lots 7, 8, 19 and 20, Block A, of LaVilla Subdivision, as recorded in Plat Book 1, Page 5, Public Records of Charlotte County, Florida, being more particularly described in Exhibit “A” attached hereto; from its current Charlotte County zoning classification of Commercial General/County (CG/County) to Neighborhood Center/City (NC/City); providing for conflict and severability; and providing an effective date. **SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Cummings **MOVED** approval of Z-02-19, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

ZA- 01- 19 An Ordinance of The City of Punta Gorda, Florida, Amending Punta Gorda Code, Chapter 26, “Land Development Regulations”, Article 3, “Regulating Districts”, Amending Section 3.19, “APO, Airport Protection Overlay District”, adding a definition for Approach Zone for clarification, correcting scrivener’s and numbering accordingly; 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-01-19, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

PD- 01- 19 An Ordinance of the City of Punta Gorda, Florida, amending Ordinance No. 1904- 18, which rezoned 900 W. Marion Avenue, Punta Gorda, Florida, to Planned Development Neighborhood (PDN), to permit site specific signage, outside display areas and flagpoles for the museum use, and allow future expansion of existing parking areas; 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 PD-01-19, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

NOTE: A short break was called at 10:20 a.m.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items
None.

Councilmember Cummings **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 April 17, 2019
2. Approval of Minutes: Special Meeting of April 3, 2019

C. City Manager's Department

1. Donation of Surplus City Computers to the Charlotte County Computer Group

D. Legal Department

1. Monthly Litigation Report
2. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered through April 24, 2019

E. Urban Design Division

1. A Resolution of the City Council of the City of Punta Gorda, Florida, as local host agency for the Charlotte Harbor National Estuary Program (CHNEP), approving an Interlocal Agreement with Polk County to provide procurement and oversight to carry out activities consistent with the CHNEP Comprehensive Conservation Management Plan (CCMP); authorizing the Mayor to sign the Agreement on behalf of the City; and providing an effective date.

F. Police Department

1. Law Enforcement Trust Fund Disbursement (JAGC27) for Crime Prevention and Detection Surveillance Equipment
2. Police Department request to apply annually for the US Department of Justice, Office of Justice Programs - Bulletproof Vest Partnership/Body Armor Safety Initiative

Citizen Comments - Regular Agenda Items Only

Mr. Don Sabatini questioned if the City was planning to hire a consultant to manage its seawalls.

Ms. Callie Stahl, Peace River Wildlife Center (PRWC), explained PRWC was amenable to absorbing one half of the cost of contract change order 2 for Weiler Engineering.

Ms. Kelly Gaylord requested City Council's support of protective fencing for the Gilchrist Bridge mural.

BUDGET

Approval of Interlocal Agreement between the City of Punta Gorda and Southwest Florida Regional Planning Council (SWFRPC) to provide services for reviewing the City's Climate Adaptation Final Report update.

Ms. Pace stated the cost of services in the amount of \$2,000 would be borne by the Charlotte Harbor National Estuary Program.

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

MOTION UNANIMOUSLY CARRIED.

Approval of three (3) Contract Change Orders relating to the redesign of Ponce de Leon Park to Amendment 1 with Weiler Engineering

Ms. Pace noted the request was to approve two contract change orders to Amendment 1 with Weiler Engineering as outlined in the agenda materials, noting change order 3 for the utility water main replacement and sewer extension had been withdrawn for further staff review.

Mr. Austin reviewed change order 1, providing a recap of existing conditions, the redesign objectives and the initial findings of the engineers, as delineated in the agenda material, which included concerns related to the boardwalk and fishing piers as well as the seawall. He stated the engineering cost for the two design components was \$32,598 and \$27,627.

City Manager Kunik stated staff recommended moving forward.

Councilmember Matthews **MOVED** approval of change order 1 to Amendment 1 with Weiler Engineering, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Mr. Austin reviewed change order 2, as delineated in the agenda material, explaining the process involved an initial feasibility study and Application for a Letter of Map Revision (LOMR) at a cost of \$14,998; however, that cost would be less if the LOMR was not feasible.

Councilmember Matthews **MOVED** approval of change order 2 to Amendment 1 with Weiler Engineering with the stipulation that PRWC contributed 50% of the cost, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Award of Master Agreement for engineering/design services for Alternative Seawall Materials Study/Design and Specific Authorization 1 for the Initial Study to Taylor Engineering, Inc. of Jacksonville, FL

Ms. Anne Heinen, Procurement, explained staff recommended Taylor Engineering to enter into negotiations for the award of the referenced Master Agreement, noting the total not to exceed cost of the project was \$79,937.50 and the anticipated completion date was November 20, 2019.

City Manager Kunik explained identification of seawall alternatives was part of the City's Strategic Plan. He stated the consultant hired to complete the study would not take over management of the seawalls.

Mr. Rick Keeney, Public Works Director, stated it was good practice to evaluate construction methods every few years.

Discussion ensued regarding whether to undertake a seawall materials study.

Councilmember Cummings **MOVED** approval of awarding the Master Agreement to Taylor Engineering, Inc., **SECONDED** by Councilmember Wein.

VOTING AYE: Cummings, Prafke and Wein.

VOTING NAY: Carey and Matthews.

MOTION CARRIED.

Award of Amendment #2 for Engineering Services for Phase 1 - Utility Location/Data Collection and Survey to Kimley-Horn Associates, Inc. in accordance with the Master Agreement U2015101/ Boca Grande Drainage Improvements

Ms. Pace explained staff had prepared Amendment 2 to the Master Agreement for services to complete Specific Authorization #3 for a total not to exceed cost of \$86,095, concluding staff recommended awarding Amendment 2 to Kimley-Horn Associates, Inc.

Councilmember Cummings **MOVED** approval of awarding Amendment 2 to Kimley-Horn Associates, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Award of Agreement to Boyd Irrigation, Inc. of Fort Myers, FL for removal and installation of force main pipe at the Wastewater Treatment Plant

Ms. Heinen explained staff recommended award of the Agreement to Boyd Irrigation, Inc. as being the lowest responsive and responsible bidder with a total lump sum cost of \$319,737.29, noting the timeline for completion was 130 days after issuance of the notice to proceed.

Councilmember Wein **MOVED** approval of awarding the Agreement to Boyd Irrigation, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Award of Master Agreement for Historic Preservation of City Facilities and Specific Authorization #1 for architectural services to conduct a Historical Evaluation of City Hall to Parker/Mudgett/Smith Architects, Inc. of Fort Myers, FL.

Ms. Pace provided an overview of the award recommendation, noting Specific Authorization #1 was for an evaluation of City Hall to determine the structural integrity of the building, prepare short and long-term recommendations for repairs, provide an ADA study and remediation plan as well as a review of the report with the State's Historic Preservation Office to maintain the building's historical designation. She stated staff was requesting City Council to consider the option of conducting a master space and security study of the facility. She pointed out the first Specific Authorization did not include the design and specifications, adding staff was seeking Council's direction regarding the optional master planning services and the award of the Agreement. She concluded staff was recommending an appropriation of funds up to \$66,000, which would include the optional services and award of the Master Agreement and Specific Authorization to Parker/Mudgett/Smith Architects, Inc.

Councilmember Carey **MOVED** approval of the Award of the Master Agreement to Parker/Mudgett/Smith, the optional master planning services and appropriation of an additional \$26,000 as recommended by staff, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Award of Amendment #3 for engineering services to evaluate wastewater facilities and recommend improvements necessary for reliable operation for the planning period to CDM Smith, Inc. of Fort Myers, FL.

Ms. Heinen explained Amendment #3 was for a total not-to-exceed cost of \$208,000 which was inclusive of all expenses to complete the task, concluding staff recommended award of the amendment to CDM Smith, Inc.

Councilmember Cummings **MOVED** approval of awarding the Amendment as recommended by staff, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Gilchrist Bridge Mural Area - Fence Request

Mr. Austin explained the Punta Gorda Mural Society (PGMS) had concerns regarding safety on the bridge embankment adjacent to the mural, adding the PGMS proposed installation of fencing to eliminate some of the tripping hazard. He displayed images

created by the mural artist depicting bollards with chains to limit access, adding staff was seeking City Council input. He estimated the cost to be \$5,000, noting any type of improvement required approval by the Florida Department of Transportation (FDOT).

Councilmember Carey disclosed she was a PGMS Board member, inquiring whether a fence would be necessary if there was a tripping hazard but no artwork in that location.

Mr. Austin replied in the affirmative.

Councilmember Matthews inquired whether signage should be included.

Mr. Austin stated signage had not been discussed.

Discussion ensued regarding whether the proposed fence would be a sufficient deterrent to climbing and skateboarding on the mural wall.

City Attorney Levin inquired as to the ownership of the abutment.

Mr. Austin replied it belonged to FDOT.

City Attorney Levin voiced concern the City was recognizing the potential liability by installing the bollards, suggested FDOT should be encouraged to recognize same and take any necessary steps.

City Manager Kunik stated if City Council approved pursuing the fencing, it required FDOT approval.

Discussion ensued with consensus was to consult with FDOT before making a decision.

City Manager Kunik confirmed Council was amenable to the design, noting the exact cost would be provided.

Executive Homes Construction Sign Request for Carmalita Duplexes

Ms. Hannon explained the request was for a sign which was larger than what was permitted.

Mr. Richard Anderson, applicant, explained he was requesting a temporary sign to help advertise the units.

Councilmember Matthews opined the sign should be more succinct.

Discussion ensued regarding the proposed sign, including size and aesthetics.

City Attorney Levin advised City Council could determine the size of the sign and the timeframe for display but could not regulate the content of the sign.

Councilmember Cummings **MOVED** approval of the request, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik reported a payment of \$3.6 million had been received from the Federal Emergency Management Agency, bringing the total received to \$13.1 million.

CITY ATTORNEY

City Attorney Levin announced Mr. Miroslav Vlcko had requested City Council reconsider the settlement proposal related to seawall maintenance fees, inquiring whether City Council desired a shade meeting to discuss the proposal. He advised the options were to accept, reject, make a counter offer or request a shade meeting.

Discussion ensued with consensus was to reject the proposal.

City Attorney Levin reported he had received a "no strings attached" settlement offer along with a check in the amount of \$50,000 from Mr. Doug Plattner to satisfy the liens on his property related to the Code Enforcement case, recommending City Council schedule a shade meeting to discuss same.

Councilmember Cummings **MOVED** to accept the City Attorney's recommendation to have a shade meeting, **SECONDED** by Councilmember Wein.

VOTING AYE: Carey, Cummings, Prafke and Wein.

VOTING NAY: Matthews

City Attorney Levin requested to schedule the shade meeting immediately following the May 15, 2019 City Council meeting.

BOARDS AND COMMITTEES

Announcement of Vacancies

Planning Commission Alternate

Police Officers' Pension Board

Historic Preservation Advisory Board

City Clerk Smith announced the vacancies.

Nominations

Planning Commission Alternate

Councilmember Cummings **MOVED** to nominate and appoint Ms. Susan Hill, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Punta Gorda Housing Authority (2)

Councilmember Matthews **NOMINATED** all interested parties.

Code Enforcement Alternate

Councilmember Carey **MOVED** to nominate and appoint Mr. Paul Sacilotto, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

PRAFKE: Announced the legislative session was quickly coming to a close, noting Mr. Jerry Paul would attend the next meeting to provide an update.

- Mentioned the Block Party was a success.
- Noted the Hibiscus Festival would held this coming weekend.

CAREY: Reported two new businesses were coming to the Charlotte County Airport.

Mayor Prafke mentioned she attended the Congressional Art Competition where Congressman Steube honored participating students.

WEIN: Reminded attendees the following day was National Day of Prayer, noting an interdenominational service would be held at 6:00 p.m. at the Sacred Heart Catholic Church in memory of Yom Hashoah.

City Attorney Levin mentioned Mr. Plattner's settlement offer was unsolicited.

CITIZENS COMMENTS

Mr. Sabatini opined it was necessary to recoup the City's costs in the Plattner case.

Mr. Gary Skillicorn commented it was time to present accolades to City staff who had made the seawall repair program successful and to celebrate their success.

Ms. Gaylord announced the Gilchrist Bridge mural ribbon cutting was scheduled for June 20, 2019.

Ms. Pat Niles commented on form based codes.

The meeting was adjourned at 12:14 p.m.

Mayor

City Clerk