

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JUNE 19, 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.

Mayor Prafke explained Item VIII B, Attorney-Client Session, would take place following Item XI, Citizens Comments.

PROCLAMATION/PRESENTATIONS

Distinguished Service Award Presentation by Cape Coral Fire Department to Battalion Chief John Briggs

Fire Chief Ryan Lamb, City of Cape Coral Fire Department, presented a distinguished service award to Battalion Chief Briggs, Punta Gorda Fire Department.

Introduction of Board/Committee Member Nominees

Messrs. Harvey Goldberg and Paul Sacilotto introduced themselves as nominees for the Planning Commission.

QUASI- JUDICIAL PUBLIC HEARINGS

V- 01- 19 - Request by Neil Flynn, property owner, pursuant to Chapter 26, Section 16.10, Punta Gorda Code, to allow a rear yard setback of 10.9 feet at its closest point instead of 20 feet as is required per Chapter 26, Section 3.13(d), Punta Gorda Code, in order to construct a new screen enclosure on an existing non-conforming pool deck, constructed in 1977, for a single- family residence located in a General Single- family zoning district. Legal: Punta Gorda Isles Section 6, Block 51, Lot 22 A/K/A: 2523 Rio Plato Drive, Punta Gorda, Florida Charlotte County Parcel Id: 412214329010

City Clerk Smith swore in the participants.

City Attorney Levin read the request by title.

Ms. Lisa Hannon, Zoning Official, entered the staff report into the record by reference and displayed a brief PowerPoint presentation, both delineated in the agenda material. She explained in detail the applicant's request, pointing out no expansion was being requested. She reviewed the criteria which must be met in order for a variance to be

approved as well as staff's findings and conclusions, noting staff was unable to recommend approval as the request did not meet the literal criteria of hardship; however, the Board of Zoning appeals recommended approval.

Councilmember Wein confirmed the concrete was original from 1977 and was stable with no damage from Hurricane Irma, confirming the screen enclosure consisted of a minimal amount of weight.

A brief discussion ensued regarding the language used in relation to the literal criteria for hardship.

Councilmember Matthews confirmed the City would be held harmless if the seawall failed and caused damage to the pool deck.

Mr. Neil Flynn, applicant, stated he had learned the property did not comply with the current setback rules when he applied to replace the cement wall with the pool cage, reiterating the request was not for an expansion but rather to install a screen enclosure which would increase the safety and security of his property.

Mayor Prafke called three times for public comment.

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

MOTION UANIMOUSLY CARRIED.

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

MOTION UANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments - Ordinances/Resolution Items Only

None.

GA- 01- 19 - An Ordinance of the City of Punta Gorda amending the City of Punta Gorda Police Officers' Retirement System, restated pursuant to Ordinance 1644-10, amending Section 8, Disability; amending Section 17, Miscellaneous Provisions; amending Section 28, Deferred Retirement Option Plan; amending Section 29, Reemployment After Retirement; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

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

MOTION UANIMOUSLY CARRIED.

GA- 02- 19 – An Ordinance of the City of Punta Gorda; amending and restating the City of Punta Gorda Municipal Employees’ Retirement System, adopted pursuant to Ordinance No. 1671- 11, as subsequently amended, by restating the City of Punta Gorda General Employees’ Retirement System; providing for codification; providing for severability or provisions; repealing all ordinances in conflict herewith and providing and effective date. **SECOND READING**

City Attorney Levin read the ordinance by title.

Councilmember Matthews **MOVED** approval of GA-02-19, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items
None.

Councilmember Matthews **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 June 5, 2019

C. Legal Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida, establishing the City of Punta Gorda as the local host for the Coastal & Heartland National Estuary Partnership (CHNEP); authorizing the City Manager to administer the program on behalf of the City; providing for severability and conflict; and providing an effective date.

2. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered through June 13, 2019.

D. Finance Department

1. Payment of invoice to Polk County Parks & Natural Resources for Lake Hancock Shoreline Restoration and Erosion Repair on Alligator Alley at Polk County Circle B Bar Reserve.

E. Urban Design Division

1. The Turtle Club Restaurant Sign Request

F. Police Department

1. Application for FY 2019 Firehouse Subs Grant

2. FY 2018 Justice Assistance Grant Direct (JAGD)

3. FY 2018 Justice Assistance Grant Countywide (JAGC)

Citizen Comments - Regular Agenda Items Only

Mr. Sean Harrigan, Burnt Store Isles (BSI) Canal Advisory Committee (CAC) Chairman, stated at the June 11, 2019, meeting members requested to remove \$885,000 of the \$910,000 figure for the Inlet Widening (removal of the south lock) and the Channel Corner Widening Projects, adding same was not reflected in the budget information. He stated BSI CAC's recommendation was based on recent cost increases for the two projects, adding the Seawall Alternative Project would be completed in November 2019 and would provide additional information as to infrastructure requirements moving forward. He clarified the BSI CAC had not requested to remove \$79,983 for the permitting required for the Inlet Widening Project.

Mr. Bill Hughes stated residents were promised the \$95 assessment for the Dredging Project would be discontinued after the project was complete; however, the proposed budget did not reflect same.

BUDGET

Award of agreement to Kelly Brothers, Inc. of Fort Myers, FL for construction of Buckley's Pass.

Ms. Marian Pace, Procurement Manager, explained the City received three responses to the bid, noting the total lump sum cost of the project was \$1,499,399.16. She stated during the pre-submittal meeting, concerns were expressed regarding additional costs being incurred if additional rock layer was discovered or if it was necessary to re-stage operations; therefore, staff allowed optional items in the bid schedule for those incidents. She noted the project completion date was 165 calendar days after issuance of a notice to proceed. She concluded staff recommended approval of the award to Kelly Brothers, Inc. of Ft. Myers, Florida.

Councilmember Cummings **MOVED** approval of awarding the agreement to Kelly Brothers, Inc., **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Appropriations for Buckley's Pass Project and Assessments (FY 2019)

Ms. Kristine Simeone, Finance Director, drew members' attention to the appropriations for Buckley's Pass Project and Assessment (FY 2019), as delineated in the agenda material, noting staff was still using the estimated amount previously presented less the amount appropriated in prior years. She explained prepayments received were being appropriated in order to transfer them to the project. She stated proceeds from the land sale had already been counted towards the reduction of the total project costs.

Councilmember Wein **MOVED** approval of the appropriations as recommended by staff, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Fiscal Year 2020 Punta Gorda Isles (PGI) Canal Maintenance Assessment District Budget Status and Discussion

Ms. Simeone explained staff was recommending an annual operating assessment of \$550 plus a \$100 assessment for Hurricane Irma, noting the total assessment of \$650 was approved by the PGI CAC. She displayed the proforma and reviewed the assumptions for revenues and expenditures, as delineated in the agenda material. She displayed a schedule for the 5 Year Special Project Program, noting funding for same would be from planned reserves.

Councilmember Matthews inquired if the rip rap mitigation would affect the \$100 assessment.

Ms. Simeone replied same had already been taken into account, clarifying if the mitigation project did not go forward it might be possible to drop off some of those funds in later years.

City Manager Kunik pointed out no action was necessary this date.

Fiscal Year 2020 Burnt Store Isles (BSI) Canal Maintenance Assessment District Budget Status and Discussion

Ms. Simeone explained staff was recommending an annual operating assessment of \$460 plus \$95 for the dredging project for a total assessment of \$555. She displayed the proforma and reviewed the assumptions for revenues and expenditures, as delineated in the agenda material, noting the proforma was developed based on the assumption two special projects had been approved by the BSI CAC for inclusion. She displayed a schedule of the 5 Year Special Project Program, briefly reviewing the proposed assessment rates which might be needed. She drew members' attention to the Proforma FY 2019 – 2024, which included the two special projects and the \$95 assessment. She pointed out reserves were declining; therefore, staff had recommended retaining the additional \$95 assessment until the appropriate fiscal year drew near. She concluded no final decision on any rate after FY 2020 was being made at this time.

Mayor Prafke stated she understood the BSI CAC's rationale, which included the City honoring its commitment to eliminate the \$95 assessment.

Mr. Harrigan reiterated the BSI CAC was uncomfortable moving the projects forward due to cost increases and potential options for seawall replacement.

Discussion ensued regarding removal of the \$95 portion of the assessment with consensus to remove the assessment but retain the cost of the two special projects in the budget as well as including a footnote that only the engineering to begin the BSI Inlet Widening Project was funded.

UNFINISHED BUSINESS

Gilchrist Park Area 1 Parking

City Manager Kunik stated any option to change the parking could be recommended for consideration by the Sales Tax Committee.

Mr. Mark Gering, Engineer, displayed two concept sketches for parking in Area 1 of Gilchrist Park, as delineated in the agenda material, noting the large circle in Option 1 was for emergency vehicle access and circulation. He stated no detailed cost analysis had been completed, noting any significant changes to the parking area required approval by the Southwest Florida Water Management District.

City Manager Kunik explained Option 2 was not possible since it removed the roundabout which limited fire apparatus access and did not meet Fire Code standards.

Councilmember Matthews voiced approval of an L-shaped configuration with a roundabout which would allow a drop off area, opining the current roundabout was in poor condition.

Ms. Jennifer Molnar, Fire Marshal, stated a roundabout similar in size to the existing design was necessary for safe navigation for a fire truck. She then explained the decorative paver curbing was a malleable surface for emergency vehicles to make the radius turns in the roundabout, pointing out the same design was being used at Laishley Park.

Discussion ensued with consensus to refer the matter with Dover, Kohl & Partners with the understanding needs identified were: 1) a roundabout or access for the fire apparatus; 2) better access and a drop off area for the pavilion; 3) preservation of as much grass as possible.

NEW BUSINESS

Hounds on Henry Proposed Small Dog Park Expansion

Councilmember Wein requested a small expansion to the small dog park. He displayed an aerial view of the park depicting a possible design change which replaced a 42 foot length of fence with 72 feet of fencing, thereby reducing the big dog park by 5% but expanding the small dog park by almost 50%.

Councilmember Carey stated the dog owners had expressed a desire for drainage, shade, elimination of fire ants and use of bark in place of grass in some areas.

Councilmember Matthews agreed, suggesting staff obtain more input from park users.

City Manager Kunik stated staff could convene a group of dog owners to look at the dog park as a whole and propose a design along with costs, adding same could be moved forward to the sales tax committee for consideration.

Councilmember Wein suggested private donations could be encouraged.

Mr. Max Weisglass stressed expansion was needed for the small dog park, adding a group of dedicated dog owners had contributed funds to install trees to beautify the park. He stated they would be willing to share some of the expense of moving the fence.

Consensus was for staff to lead a community discussion to obtain input with Council participating as observers.

Request by Habitat for Humanity for the donation of city- owned property at 402 Helen Avenue for affordable housing.

City Manager Kunik explained Habitat for Humanity had requested the City donate 402 Helen Avenue to construct a habitat home in partnership with TEAM Punta Gorda, noting the partnership had successfully completed two homes in the community. Discussion ensued regarding options for the property and availability of affordable housing in the City.

Councilmember Carey **MOVED** approval of donating 402 Helen Avenue to Habitat for Humanity for the stated purpose, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik provided a brief overview of upcoming agenda items.

CITY ATTORNEY

Mayor Profke inquired what action should be taken regarding the pickleball letter. Attorney Levin replied no action should be taken.

NOTE: Boards and Committees was discussed prior to adjournment for the Attorney- Client Session.

Attorney- Client Session (closed to the public)

18-001018-CA-CITY OF PUNTA GORDA, A CITY IN THE STATE OF FLORIDA vs. CERTAIN LANDS UPON WHICH SPECIAL ASSESSMENTS ARE DELINQUENT, NAMELY 1601 TAMIAMI TRAIL, PUNTA GORDA, FL 33950

BOARDS AND COMMITTEES

Announcement of Vacancies

Planning Commission Alternate
Utility Advisory Board
Punta Gorda Housing Authority - Resident Commissioner
Building Board (2)
Historic Preservation Advisory Board Alternate
City Clerk Smith announced the vacancies.

Nominations

Police Officers' Pension Board
Councilmember Matthews **NOMINATED** all interested parties.
Planning Commission (2)
Councilmember Cummings **NOMINATED** and **APPOINTED** Mr. Harvey Goldberg and Mr. Paul Sacilotto, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Utility Advisory Board
Councilmember Matthews **NOMINATED** and **APPOINTED** Mr. Bil Tucker, **SECONDED** by Councilmember Wein

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

PRAFKE: Announced the Pickleplex Ribbon Cutting would be held on Monday, June 24, 2019 at 5:30 p.m.

- Reported she would be participating with the Southwest Florida League of Cities Advocacy Committee and learning how to work in partnership with the State Legislature.

CUMMINGS: Stated he would miss the ribbon cutting for the Tales of the Harbor Mural as he would be attending Leadership Florida.

MATTHEWS: Inquired as to the status of the bollards for the mural.

- Mr. Mitchell Austin, Urban Design, responded staff would be submitting an initial design to the Florida Department of Transportation.

Councilmember Prafke inquired as to the bollards on Taylor Street.

City Manager Kunik responded staff was working on same.

CAREY: Invited everyone to attend the ribbon cutting for the Tales of the Harbor Mural on Thursday, June 20, 2019 at 5:00 p.m.

CITIZENS COMMENTS

Mr. Brad Gamblin suggested creation of a Parks & Recreation Committee.

Mr. Jeffrey Lustig commended the City on the memorandum detailing the lawful detention to issue formal trespass warnings, adding a group of citizen journalists were planning to crowd source in order to bring multiple lawsuits against the City.

Mr. Gary Skillicorn suggested Dover Kohl's discussion of the dog park be expanded to include use of the entire Henry Street property. He voiced concern regarding Dover Kohl's rendering of the infill on the property.

NOTES:

1) City Council recessed for a short break at 10:52 a.m. to be followed by the Attorney- Client Session at 1:00 p.m.

2) City Council reconvened at 1:54 p.m.

The meeting was adjourned at 1:54 p.m.

Mayor

City Clerk