

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, OCTOBER 2, 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. Bill Frank, followed by the Pledge of Allegiance.

PROCLAMATION/PRESENTATIONS

Government Finance Officers Association Distinguished Budget Presentation Award FY 2019- 2020

City Manager Kunik presented the Award, which was accepted by Ms. Kristine Simeone, Finance Director.

Introduction of Board/Committee Member Nominees

None.

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

PUBLIC HEARINGS

GA- 04- 19 An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code Chapter 10, "Yard Waste, Solid Waste and Recycling", Article II, "Solid Waste", amending Section 10- 11 increasing the monthly fee for removal and disposal of curbside recycling services; providing for conflict and severability and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Mayor Prafke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of GA-04-19, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

GA- 05- 19 An Ordinance of the City of Punta Gorda, Florida, amending Chapter 25A, Punta Gorda Code, “Abandoned Property and Impounding of Vehicles”, to establish local regulations for at- risk vessels and the relocation and removal of derelict vessels; prohibiting the storing, leaving or abandoning of any derelict vessel; providing for enforcement; providing for conflict and severability; and providing an effective date. **FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Macalle Finkle, Paralegal, explained abandoned and derelict vessels were a hazard. She noted the Florida Fish and Wildlife Conservation Commission (FWC) and the West Coast Inland Navigation District (WCIND) offered grant funding for derelict and abandoned vessel removal programs provided certain regulations and processes were followed; therefore, staff recommended adoption of local regulations to allow City Police Officers to investigate and order the removal of abandoned and derelict vessels within local waterways in accordance with the FWC’s removal process. She stated a resolution delineating the procedures for investigations and hearings related to such vessels would be presented at a later date.

Discussion ensued regarding the process of requesting grant funds, with clarification that funds from WCIND would be requested for implementation of the derelict and abandoned vessel removal program and funds from FWC would be requested for reimbursement of vessel removal costs.

Councilmember Matthews noted Governor Ron DeSantis recently signed legislation which set aside a portion of boat registration fees for removal of derelict vessels.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval of GA-05-19, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

Ms. Melissa Reichert reviewed the changes made to the Strategic Plan.

Mayor Prafke clarified the Sales Tax Program agenda was for the City’s projects.

Councilmember Wein pulled Item C1.

Councilmember Matthews pulled Item D1.

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

MOTION UNANIMOUSLY CARRIED.

ITEM C1: Councilmember Wein noted the City had the ability to set aside up to 15% of the 1% Sales Tax funds for future economic development opportunities.

Councilmember Cummings and Mayor Prafke spoke in favor of considering a set aside for economic development.

Councilmember Matthews confirmed the Sales Tax Committee could provide a recommendation on the percentage to be set aside.

Councilmember Wein **MOVED** approval of Item C.1. with support for an economic development option, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Item D1: Councilmember Matthews inquired as to cases being closed due to "lack of interest".

City Attorney Levin stated plaintiffs were required to continue prosecution of their case, explaining cases could be dismissed for lack of prosecution if no record activity occurred for a one-year period.

Councilmember Matthews requested settlement information be disclosed in future reports.

City Attorney Levin replied the information would be disclosed if permissible.

Councilmember Cummings **MOVED** approval of Item D1, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of September 18, 2019
2. Approval of Minutes: Budget Public Hearing of September 18, 2019

C. City Manager's Department

1. Request for Proposal (RFP) Process for 1% Local Option Sales Tax Committee
2. FY 2020 Strategic Plan

D. Legal Department

1. Monthly Litigation Report

E. Police Department

1. A Resolution of the City of Punta Gorda, Florida, accepting a grant award from the U.S. Department of Justice under the FY 19 Body-Worn Camera Policy and Implementation Program (Award No. 2019-BC-BX-0030); authorizing the Mayor

- to execute the grant agreement on behalf of the City; and providing an effective date.
2. A Resolution of the City of Punta Gorda, Florida, accepting a subgrant award from the Florida Department of Law Enforcement under the Edward Byrne Memorial Justice Grant (JAG) Program for the Volunteer Bike Patrol Program (Contract No. 2019-JAGD-CHAR-1-N3-076); authorizing the Mayor to execute the Certificate of Acceptance; and providing an effective date.
 3. A Resolution of the City of Punta Gorda, Florida, approving Memorandums of Understanding between the Punta Gorda Police Department and the Windemere Police Department and the Center for Law Enforcement Technology, Training & Research, Inc. for participation in the National Data Exchange (N-DEx) and the Florida Integrated Network for Data Exchange and Retrieval (FINDER); authorizing the Chief of Police to execute the Memorandums on behalf of the City; providing for severability; and providing an effective date.
 4. Appropriation of Funds for FY 2019-2020 US Department of Justice, Office of Justice Programs - Bulletproof Vest Partnership
 5. A Resolution of the City of Punta Gorda, Florida, accepting a subgrant award from the Florida Department of Law Enforcement under the Edward Byrne Memorial Justice Grant (JAG) Program for the Volunteer Bike Patrol Program (Subgrant No. 2020-JAGD-CHAR-1-Y6-006); ratifying the certificate of acceptance; and providing an effective date.

Citizen Comments - Regular Agenda Items Only

None.

BUDGET

A Resolution of the City Council of the City of Punta Gorda, Florida, approving the First Amendment to Agreement between the Southwest Florida Water Management District and City of Punta Gorda for reverse osmosis project (N600) (Agreement No. 15C0000118); authorizing the Mayor to execute the agreement on behalf of the City; and providing an effective date.

City Attorney Levin read the resolution by title.

City Manager Kunik reported the Southwest Florida Water Management District (SWFWMD) had approved the City's request to amend the existing Cooperative Funding Agreement to increase the total cost from \$32.2 million to \$36.6 million, with SWFWMD's share increasing by \$2.2 million.

Mayor Prafke confirmed the cost of the Reverse Osmosis Water Treatment Plant would not result in a water rate increase.

Councilmember Matthews **MOVED** approval of the Resolution, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Historic Neighborhood Initiative FY 2019 Update & FY 2020 Project Recommendations

Mr. David Hilston, Urban Design, presented the update, beginning with a review of the programs offered by non-profits to neighborhood residents during the previous year. He provided a brief overview of the completed infrastructure analysis, explaining the Historic Neighborhood Initiative now had a roadmap to systematically upgrade deficient or missing infrastructure over time. He reviewed the list of recommended projects and associated cost estimates as follows: Agripreneur Garden final year, \$5,000; carryover of unused funds for Gulfshore Opera, \$2,447; decorative street lighting for Mary Street from East Charlotte Avenue to Hargreaves Avenue, \$31,200; drainage, lighting and sidewalks for East Charlotte Avenue from Wood Street to Martin Luther King Boulevard, \$22,600; undesignated funds, \$15,351.

Councilmember Matthews stressed funds should be utilized for infrastructure.

Councilmember Cummings stated he was amenable to utilizing funds for infrastructure; however, he supported the carryover for the Gulfshore Opera to fulfill the City's previous commitment.

Discussion ensued regarding the Agripreneur Garden with consensus to inquire whether St. Vincent de Paul desired to take control of same.

Councilmember Cummings **MOVED** approval of the recommendations as amended to remove the \$5,000 allocation for the Agripreneur Garden in favor of funding infrastructure, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Public Input on PLAN Punta Gorda 2019 Citywide Master Plan

City Manager Kunik stated there was no presentation, explaining this was an opportunity for the public to provide input on the Citywide Master Plan (Plan).

Ms. Nancy Johnson, TEAM Punta Gorda, expressed support for the Citywide Master Plan's development tools as well as the ideas related to bicycle and pedestrian infrastructure, then speaking in favor of the highly collaborative implementation plan.

Ms. Cathy Graham, Copperfish Books, expressed support for the Citywide Master Plan, opining the five "big ideas" were on target.

Ms. Debby Malinowski, Downtown Merchants Association, stated more infrastructure was needed for progress.

Mr. Stas Matias opined downtown residency was needed as well.

Ms. Adriana Quiñones, Peace River Botanical & Sculpture Garden, commented favorably on the Plan, expressing optimism the City and the surrounding area would benefit.

Councilmember Wein recommended inclusion of an agenda item at the November 6, 2019 City Council meeting for consideration of a specific authorization under the existing Master Service Agreement with Dover, Kohl & Partners (DKP) to produce comprehensive plan changes and new land development regulations which would implement a significant portion of the Citywide Master Plan by providing a platform for future development for generations to come. He opined staff had the expertise but not the time to do the project in-house.

A lengthy discussion ensued with several members objecting to inclusion of the item on the November 6, 2019 agenda.

Councilmember Wein stated he would consider whether or not to request the item be included on the agenda.

Public Input regarding Gilchrist Park Activity Center Feasibility Report

Mr. Mitchell Austin, Urban Design Planner, presented the report denoted in the agenda material, reviewing the history of the Gilchrist Park Activity Center as well as the present circumstances for same. He provided a detailed overview of the four scenarios researched by DKP: Option 1 - Renovation of the existing structures; Option 2a - Replacement of the existing structures with one modest building; Option 2b - Replacement of the existing structures with one grand building; Option 3 - Replacement of existing structures with landscape and park elements. He explained the community was unable to reach a consensus on a particular scenario; however, Option 3 was eliminated based on public input and Option 1 would be hindered by Federal Emergency Management Agency (FEMA) constraints as the buildings were below base flood elevation. He stated the cost for Option 2a was estimated at \$2.3 million with an annual operating income deficit of \$27,000 whereas the cost of Option 2b was estimated at \$4.4 million with an annual operating income deficit of \$72,000. He concluded there would be a major initial capital investment gap, noting rental revenues would not recoup the capital investment or operating expenses.

Mr. John Burn stated the users of the Punta Gorda Boat Club were eager to sign a new lease and intended to make improvements to the building.

Ms. Wendy Mueller opined interest in renting the Bayfront Center had waned due to its poor condition, suggesting renovations be made in the short-term with the long-term goal of replacing the building.

Mr. Charles Wolley spoke in favor of DKP's recommendation to improve the buildings at Gilchrist Park.

City Manager Kunik stated DKP's preferred option was to retain the Punta Gorda Boat Club and the Bayfront Center buildings. He noted the Boat Club had been appraised by the Charlotte County Property Appraiser at \$132,000 in 2019 and \$129,000 in 2019; however, an independent appraiser's report had since provided a figure of \$321,000. He clarified as the buildings were below base flood elevation, FEMA's 50% rule allowed for renovations of up to 50% of the structure's value. He stated the Bayfront Center was appraised at \$661,000 in 2018, but in 2019 the figure was reduced to \$321,000. He stated he would request direction to obtain an independent certified appraisal of the Bayfront Center if City Council proceeded with DKP's preferred option to retain the buildings, adding the Boat Club wished to renegotiate their lease prior to investing funds in renovations.

Councilmember Matthews spoke in favor of retaining the buildings, with support for staff to seek an appraisal of the Bayfront Center and to enter into negotiations with the Boat Club.

Mayor Profke suggested the Boat Club and Bayfront Center be updated with a more uniform appearance.

Councilmember Matthews **MOVED** to accept DKP's recommendation of retaining both buildings, to obtain an appraisal of the Bayfront Center, to accept the independent appraisal of the Boat Club and to enter into lease negotiations with the Boat Club, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin questioned if a determination had been made as to whether the buildings qualified as historic structures, explaining historic structures were not governed by FEMA's 50% rule.

Mr. Austin replied both buildings were eligible for listing on the Florida Master Site File (FMSF) as well as a local historic register, if one were established; however, staff would require direction from City Council to proceed with adding the buildings to the FMSF and establishing a local historic register.

City Attorney Levin concluded designation of the buildings as historic structures could be pursued if necessitated by renovation costs.

NOTE: A short break was called at 10:50 a.m.

Acceptance of the Climate Adaptation Plan Update and the Living Shoreline

Element

Ms. Jenna Phillips, Taylor Engineering, presented the Climate Adaptation Plan (CAP) Update, as delineated in the agenda material, which addressed the 2015 “Peril of Flood” statute and provided an engineering approach to vulnerability analysis, adaptation and comprehensive plan updates. She noted the project included a review of past studies and data, a vulnerability analysis, and feedback from stakeholders, all of which informed adaptation strategies focused on protection, accommodation, strategic relocation and avoidance and an addendum to the 2009 CAP. She reported implementation progress included increased sea grass acreage, adoption of a fertilizer ordinance, relocation of the City’s Public Works facility and establishment of public-private partnerships, such as the Living Shoreline Pilot Project. She reviewed the adaptation planning process, which included a vulnerability assessment, adaptation strategies and implementation strategies, briefly reviewing each. She stated the next steps included Comprehensive Plan policy changes, identification and prioritization of projects within the focus areas, pursuit of funding opportunities and partnerships and continuation of updates to the CAP as new data became available.

Mr. Don Sabatini commented favorably on the report overall, suggesting contrasting colors be used on the maps depicting three-foot sea level rise.

Councilmember Matthews questioned use of mangroves as a living shoreline material as they obstructed the view of the water, inquiring as to mangrove trimming and whether alternative materials could be used.

City Manager Kunik explained the City had to abide by strict guidelines for mangrove trimming.

Mr. Austin advised mangroves would be the last option for a living shoreline in the downtown area.

Mayor Prafke stated residents had commented the view of the water was obstructed by mangroves in certain areas along the Harborwalk.

Mr. Austin confirmed the living shoreline was not intended to block views of the water but to protect seawalls and infrastructure.

Councilmember Carey suggested City Council consider increasing the budget for mangrove trimming in order to address residents’ concerns.

Councilmember Matthews expressed preference for utilizing another living shoreline material.

Councilmember Wein spoke in favor of utilizing multiple living shoreline materials. He then noted the City had been acknowledged for its proactive approach to climate change.

Councilmember Wein **MOVED** acceptance of the Climate Adaptation Plan Update and Living Shoreline Element, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

Ms. Finkle inquired whether City Council desired to continue to schedule quarterly workshop meetings, confirming there was consensus to eliminate same. She then requested a workshop for City Council to review revisions to Punta Gorda Code Chapter 6, adding subsequent to that review the public hearing process would begin. She confirmed the workshop would be held following the November 20, 2019 meeting.

BOARDS AND COMMITTEES

Announcement of Vacancies

Utility Advisory Board

Burnt Store Isles Canal Advisory Committee (3)

Code Enforcement Board - Alternate

Firefighters' Pension Board

Punta Gorda Isles Canal Advisory Committee

Police Officers' Pension Board

City Clerk Smith announced the vacancies.

Nominations

Building Board Alternate

Councilmember Matthews **MOVED** to nominate and appoint Mr. Perry Hoff, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Burnt Store Isles Canal Advisory Committee

Councilmember Matthews **NOMINATED** all interested parties.

Appointments

Building Board - Consumer Advocate

Voting forms were distributed.

City Attorney Levin announced Mr. John Bothwell had received the most votes and was thus appointed to the Board.

POLICY AND LEGISLATION

PRAFKE: Reported she attended the Southwest Florida League of Cities (FLC) meeting where Mr. Chauncey Goss provided a presentation on the issue of flooding and sheet flow, noting there was a project in Charlotte County to address same.

- Stated the FLC gave a presentation on legislative agenda items.
- Noted the Mayor of Cape Coral had inquired about the City's seawall ownership.

CAREY: Announced Charlotte County would hold a community visioning workshop at the Charlotte Harbor Event Center later this date from 6:00 p.m. to 8:00 p.m.

CITIZENS COMMENTS

Ms. Luella Bonaparte, Bethel African Methodist Episcopal Church, stated the Church had requested a grant the previous year and was informed a form to do so would be provided; however, the form was never received. She inquired if anything could be done, noting the Church was a historical landmark.

Mayor Prafke advised the decision was made to fund City infrastructure.

The meeting was adjourned at 11:57 a.m.

Mayor

City Clerk