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**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, NOVEMBER 20, 2019, 9:00 A.M.**

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

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.

COUNCIL REORGANIZATION

Results of November 5, 2019 Election

City Clerk Smith announced the 2019 Election results as follows:

District 3: Shaune Freeland – 1,662 votes

John Miller – 3,347 votes

District 5: Nancy Prafke – Unopposed

Oath of Office: District 3 - John Miller & District 5 - Nancy Prafke

Councilmembers Miller and Prafke were sworn in by the City Clerk.

City Attorney - Election of Mayor

City Attorney Levin opened the floor for nominations for Mayor.

Councilmember Carey **NOMINATED** Councilmember Matthews.

Councilmember Cummings **NOMINATED** Councilmember Prafke.

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

MOTION UNANIMOUSLY CARRIED.

Voting for Councilmember Matthews: Carey and Matthews.

Voting for Councilmember Prafke: Miller, Cummings and Prafke.

City Attorney Levin announced Councilmember Prafke received the most votes and was thus elected Mayor.

Election of Vice Mayor

Mayor Prafke opened the floor for nominations for Vice Mayor.

Councilmember Carey **NOMINATED** Councilmember Matthews.

As there were no other nominations, Councilmember Matthews was elected Vice Mayor by acclamation.

42 **PROCLAMATION/PRESENTATIONS**

43 **Giving Tuesday**

44 **Councilmember Matthews** presented the proclamation, which was accepted by Ms.
45 Marie LeBrosse.

46 **National American Indian Heritage Month**

47 **Mayor Prafke** presented the proclamation, which was accepted by Ms. Diana
48 Dulkiewicz.

49 **Introduction of Board/Committee Member Nominees**

50 Mr. Greg Andrulonis introduced himself as a nominee for the Police Officers' Pension
51 Board.

52 Mr. Fig Newton invited all to attend the tree lighting on December 6, 2019.

53 **PUBLIC HEARINGS**

54 **ZA- 02- 19 An Ordinance of the City of Punta Gorda, amending Punta Gorda Code**
55 **Chapter 26, "Land Development Regulations", Article 3, Regulating Districts,**
56 **Section 3.18 Waterfront Overlay District, adding a new Subsection (d) Fishermen's**
57 **Village Phase 1, providing for permitted uses, permitted accessory uses,**
58 **development standards and Harborwalk regulations; amending Article 8,**
59 **Standards of General Applicability, Section 8.19, Waterfront Property; providing**
60 **for conflict and severability and providing an effective date. FIRST READING**

61 City Attorney Levin read the ordinance by title, explaining the process for adoption of a
62 text amendment to Punta Gorda Code. He noted an attorney representing Smuggler's
63 Enterprises, Inc., (Smuggler's) had alleged the amendment could impact litigation
64 between Fishermen's Village and Smuggler's, noting the court's decision might affect
65 implementation of the amendment. He concluded such litigation was not relevant to
66 City Council's consideration this date.

67 Ms. Lisa Hannon, Zoning Official, entered the staff report into the record, as delineated
68 in the agenda material, and displayed the Waterfront Overly District (WOD) map
69 established in 2007. She read into the record a history of the City's coastal waterfront,
70 noting its tradition as a water-oriented economy, then reviewing the development of
71 the amendment, which dated back to an application from Fishermen's Village for a
72 Planned Development at 1200 West Retta Esplanade. She explained staff determined
73 the text amendment was the most appropriate process to bring existing buildings at
74 Fishermen's Village into conformance with Punta Gorda Code and to ensure
75 modifications and/or expansion of the buildings would align with the City's stated
76 vision while retaining the character identified in the Land Acquisition Agreement. She
77 then noted staff removed certain provisions related to vehicular access on the

78 Harborwalk after ongoing litigation between Smuggler's and Fishermen's Village was
79 brought to staff's attention. She presented staff's findings and conclusions from the
80 staff report, advising the Urban Design Division and the Planning Commission
81 recommended approval of ZA-02-19 with the removal of provisions related to
82 vehicular access. She concluded by pointing out the similarity of this text amendment
83 to that which created the Emerald Point Condominium Overlay District.

84 Mr. Jason Green, agent for Fishermen's Village, concurred with staff's
85 recommendations and findings, and then provided a presentation on the request. He
86 briefly reviewed the history of Fishermen's Village, noting the property currently served
87 as a privately-owned and operated working waterfront and employment center. He
88 explained Fisherman's Village was unable to substantially improve or repair their non-
89 conforming structures, opining the proposed ordinance would align the City's Land
90 Development Regulations (LDRs) with the existing development pattern. He briefly
91 reviewed the Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis
92 conducted by Dover, Kohl & Partners during the Master Plan process, asserting loss or
93 damage to Fisherman's Village would threaten the community, employment in the City
94 and the City's tax base. He stated substantial funds were being invested to upgrade
95 and renew Fishermen's Village, opining the text amendment would establish greater
96 predictability for further development. He stated the amendment was applicable to the
97 area labeled Phase 1, adding same recognized the existing development pattern, the
98 uniqueness of Fishermen's Village and the historic development of the existing
99 structures. He concluded by requesting approval of the proposed amendment based
100 on its consistency with the Comprehensive Plan, recommendations of approval from
101 staff and the Development Review Committee and the information provided, adding
102 the Harborwalk was not at risk as same was a critical component of the design and
103 future development of Fisherman's Village.

104 **Mayor Prafke** acknowledged Fishermen's Village's need; however, she stated certain
105 questions needed to be addressed.

106 **Councilmember Carey** questioned why the City could not delay a decision until the
107 litigation between Smuggler's and Fisherman's Village was completed, voicing concern
108 public perception was that the City was siding with Fisherman's Village. She expressed
109 hesitance to act at this time.

110 Mr. Green pointed out discussions regarding Fishermen's Village had been ongoing for
111 years.

112 **Councilmember Carey** noted Fisherman's Village had not requested any variances
113 during her time as a Councilmember.

114 Mr. Green replied he would not recommend his client apply for a variance as the
115 underlying issues would not be addressed, reiterating the litigation was not related to
116 the text amendment.

117 **Councilmember Matthews** stated if a pier was constructed on the west side of the
118 northernmost building, a ten-foot width must be maintained for the Harborwalk,
119 inquiring as to the current width at that location.

120 Mr. Green replied approximately 25 feet.

121 **Councilmember Matthews** questioned if Fisherman's Village could build a pier
122 without a Special Exception if the text amendment were approved, further questioning
123 the degree to which the pier would encroach on the Harborwalk.

124 Mr. Green replied the Harborwalk easement was currently ten feet at that location and
125 would remain unchanged.

126 **Councilmember Matthews** then inquired as to a possible relocation of the Harborwalk
127 mentioned in certain documents related to the text amendment.

128 Mr. Green replied same would be done in coordination with the City.

129 Mr. Mitchell Austin, Urban Design Planner, explained the Land Acquisition Agreement
130 determined the area of the Harborwalk and the process through which its location
131 could be modified, adding the property owner could propose a modification which
132 would require Council's approval.

133 **Councilmember Matthews** inquired if the text amendment would allow existing
134 buildings to be modified to have a zero setback.

135 Mr. Green replied potentially; however, the ten-foot-wide Harborwalk would be
136 maintained.

137 **Councilmember Matthews** confirmed a second floor could be constructed. She then
138 concurred with Councilmember Carey's concern regarding acting while litigation was
139 pending.

140 **Mayor Profke** drew members' attention to the depiction of Phase 1, expressing
141 uncertainty as to whether there was adequate room for the Harborwalk behind the
142 building which housed The Captain's Table and Harpoon Harry's. She questioned
143 whether the Harborwalk should instead be depicted as it was, or whether there was an
144 intent to allow the applicant to develop a cantilevered deck for the Harborwalk around
145 the exterior of the building.

146 Mr. Green replied same could not be done without a zero setback.

147 **Mayor Profke** recalled previous discussion of extending the Harborwalk to West
148 Marion Avenue, questioning if same had been tabled.

149 Mr. Green replied the easement existed and had to be maintained, adding a portion of
150 the easement was outside the area addressed by the text amendment. He
151 acknowledged future development must account for the easement which extended to
152 West Marion Avenue.

153 Ms. Patti Allen, Fishermen's Village, stated the Harborwalk was a valuable addition to
154 Fishermen's Village. She stated the Harborwalk would continue behind the future Pier
155 restaurant, acknowledging it would be narrower in that area; however, the Harborwalk
156 in the area Mayor Prafke identified would be discussed in Phase 2. She explained the
157 text amendment had arisen from the desire to construct a deck showcasing Charlotte
158 Harbor at the Pier restaurant.

159 **Councilmember Matthews** inquired whether a zero setback would be allowed if any of
160 the existing buildings were razed and something new constructed.

161 Mr. Green replied affirmatively; however, the Harborwalk had to be accommodated.

162 **Councilmember Matthews** inquired whether a condominium could be constructed
163 with a zero setback if the building at the north end were razed.

164 Mr. Green replied affirmatively, reiterating new construction could not encroach on the
165 Harborwalk.

166 Mr. Craig Barnett stated the litigation did not involve nor constrain the City and did not
167 extend beyond the lease.

168 **Councilmembers Matthews, Carey and Miller and Mayor Prafke** disclosed they had
169 met with representatives of Fishermen's Village and Smuggler's.

170 Mr. Mark Draper, attorney for Smuggler's and Party Intervenor, distributed a copy of
171 the Smuggler's complaint against ATA Fishville FL, LLC (Fishville). He briefly explained
172 the basis of the case and presented testimony objecting to the text amendment as an
173 attempt by Fishville to circumvent ongoing litigation related to breach of their lease
174 with Smuggler's, noting the lease included language stating its covenants could not be
175 abrogated or modified except in the case such changes were required by lawful
176 government authority. He then distributed an aerial photograph of Fishermen's
177 Village, pointing out the parking spaces marked in red were designated in the lease for
178 the benefit of Smuggler's restaurants. He explained the lawsuit sought the return of
179 the spaces; however, the text amendment would allow construction in that area, which
180 the court could rule was a violation of the terms of the lease. He then displayed a
181 diagram of Phase 1, confirming it was prepared by Weiler Engineering. He asserted if
182 same became part of the text amendment, Fishville could argue in court that the
183 breach of the lease was related to a change required by a lawful government authority.
184 He stated the diagram was legally and factually incorrect and did not align with the

185 grant of easement, drawing attention to the legal grant of easement which
186 demonstrated the Harborwalk did not continue and extend as depicted. He concluded
187 by reviewing instances where Fishville had violated their lease with Smuggler's as well
188 as their submerged land lease with the Florida Department of Environmental
189 Protection, requesting City Council deny the text amendment.

190 **Councilmember Matthews** inquired as to the court case's timeframe.

191 Mr. Draper replied with uncertainty, adding there was currently an order placing the
192 case on the court's trial docket on February 4, 2020; however, administration of the
193 case and its timing was within the judge's discretion.

194 **Mayor Prafke** voiced concern regarding the inclusion of a document which
195 inaccurately depicted the location of the Harborwalk within the text amendment.

196 Ms. Hannon explained the City did not have a surveyor on staff; therefore, the diagram
197 had not been verified against the legal description included in the Land Acquisition
198 Agreement and the Harborwalk Easement Agreement. She stated the text amendment
199 could be changed to include the legal description.

200 City Attorney Levin explained the purpose of the diagram was to identify the limits of
201 the text amendment rather than identify the location of the Harborwalk. He then noted
202 Mr. Draper rendered an opinion on the thought process for choosing to proceed with a
203 text amendment instead of an application for a planned development, clarifying
204 planned developments primarily focused on new construction; however, there currently
205 were no such plans for Phase 2 and discussing same was premature. He stated staff
206 recognized the need to address existing nonconforming structures in Phase 1 and to
207 efficiently modify same without requesting Special Exceptions or Variances. He noted
208 the WOD was intended to address special and unique uses in a manner different from
209 commercial requests in other areas of the City, explaining staff had determined a text
210 amendment was a more efficient means of handling the existing nonconformities in
211 Phase 1. He pointed out staff had been unaware of any litigation at that time. He
212 stated the primary conflict related to the text amendment and litigation between
213 Fishville and Smuggler's was vehicular access. He then explained the diagram had
214 been produced after staff suggested a graphic which depicted the limits of Phase 1 be
215 included with the text amendment. He noted the location of the Harborwalk was
216 governed by an easement within the Land Acquisition Agreement, noting same allowed
217 the City access only for pedestrian use; however, Fishville could continue to maintain
218 and use that area in any way that would not be inconsistent with the intent of the
219 easement. He elaborated any litigation regarding use of the easement for the
220 Harborwalk would consider the circumstances in effect at the time the easement was

221 granted; therefore, those portions of the Harborwalk which were identified as parking
222 or vehicular access would continue to be maintained as such. He concluded City
223 Council could elect to remove the location of the Harborwalk from the diagram as the
224 text amendment was not intended to address same.

225 **Mayor Prafke** called three times for public comment.

226 Ms. Kelly Liscum, Smuggler's, spoke regarding her family's history in the community,
227 opining the text amendment was an attempt by Fishville to circumvent the court's
228 rulings. She requested ZA-02-19 be denied or tabled until conclusion of the litigation.

229 Mr. Bruce Laishley, Smuggler's, requested the text amendment be tabled until litigation
230 concluded.

231 Ms. Paula McQueen voiced concern regarding timing and uses permitted by the text
232 amendment.

233 Mr. Bill Dryburgh concurred with comments made by Ms. Liscum and Mr. Laishley as
234 well as Councilmembers Carey and Matthews' comments that there was no urgency for
235 the change, speaking in favor of tabling or denying the request.

236 Mr. Mike Riley spoke in support of cooperation and respect between all, expressing
237 desire for Smuggler's and Fishermen's Village to coexist.

238 Ms. Dawn MacGibbon opined the text amendment was overly broad, agreeing with Ms.
239 McQueen that there was no urgent need for adoption of the amendment.

240 Ms. Sheila Jaeger voiced concern regarding increasing the allowed height without a
241 plan for increased parking demands.

242 Mr. John Larmore, Fishville, stated there were plans for parking; however, lawsuits
243 prevented implementation of the plans and other improvements. He noted much
244 discussion had focused on the litigation, opining the litigation centered on a paragraph
245 regarding how the rental rate was set. He asserted development would halt if Council
246 set a precedent of delaying improvements due to a lawsuit.

247 Mr. Draper countered the lawsuit provided to Council this date was filed at the end of
248 July 2018, which was several months prior to the second lawsuit related to the renewal
249 lease provision.

250 Mr. Don Sabatini suggested City Council deny the ordinance.

251 Mr. Green pointed out the permitted uses in the text amendment already existed at
252 Fishermen's Village and were at risk without amendment of Punta Gorda Code. He
253 stated there was much emotional testimony regarding civic organizations and
254 volunteer work; however, the text amendment was related to enhancing existing
255 development and creating economic opportunity in a responsible manner consistent

256 with existing development patterns. He requested City Council approve the text
257 amendment.

258 Mr. Craig Ivey opined the City had given Fishville preferential treatment.

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

261 **MOTION UNANIMOUSLY CARRIED.**

262 **Councilmember Miller** suggested the location of the Harborwalk be clearly defined
263 prior to moving forward. He expressed hesitance to proceed with the text amendment
264 until the issues surrounding it were better understood.

265 **Councilmember Cummings** stated the City was still experiencing severe seasonality,
266 adding the text amendment would allow thirty-seven businesses to remain competitive
267 within the local region. He agreed cooperation within Punta Gorda was important;
268 however, he spoke against taking action which would delay investment in a property
269 vital to the City's economy.

270 **Mayor Prafke** voiced appreciation for the improvements made at Fishermen's Village,
271 noting there was some ambiguity in the text amendment. She expressed favor for
272 delaying a decision.

273 **Councilmember Carey** stated she appreciated the effort expended by staff on the text
274 amendment; however, she was uncomfortable with the document.

275 **Councilmember Matthews** voiced concern regarding moving forward at this time.

276 **Councilmember Cummings** pointed out Fishermen's Village had to overemploy
277 workers in order to operate during season, expressing concern delaying development
278 would prevent the City from achieving parity with the County.

279 Councilmember Matthews **MOVED** to deny ZA-02-19 until such time as the LDRs could
280 incorporate this change, **SECONDED** by Councilmember Carey.

281 City Attorney Levin stated as the City was the applicant, staff could be advised if
282 Council desired to reconsider ZA-02-19 on its own or as part of a comprehensive
283 revision of the LDRs.

284 **MOTION UNANIMOUSLY CARRIED.**

285 **Mayor Prafke** concluded Council hoped staff would incorporate this matter in the new
286 LDRs, expressing optimism the litigation would be resolved by that time.

287 **NOTE: A short break was called at 11:20 a.m.**

288 **Quasi- Judicial Public Hearings**

289 **SE- 03- 19 – A Special Exception request by Keith B. Towles, as authorized agent**
290 **for John M. Jamieson, III, applicant and property owner, pursuant to Chapter 26,**
291 **Section 16.8, Punta Gorda Code, to allow a third driveway to be constructed for a**

292 new single- family residence, which is permitted by Special Exception pursuant to
293 Chapter 26, Article 10, Section 10.3(h)(10), Punta Gorda Code, for a parcel located
294 in the General Single- family 3.5 units per acre (GS 3.5) zoning district. Legal
295 Description: Punta Gorda Isles Section 012, Block 0130, Lot 16 Address: 3401 &
296 3405 St. Croix Court, Punta Gorda FL Charlotte County Parcel Id: 412214359007

297 City Clerk Smith swore in the participants.

298 City Attorney Levin read the request by title.

299 Ms. Hannon entered the staff report into the record by reference and noted the criteria
300 which must be met for a Special Exception to be approved, all delineated in the agenda
301 material. She reviewed staff's findings and conclusions, noting staff and the Planning
302 Commission recommended approval of SE-03-19 contingent upon proper permitting
303 for the line and grade inspections prior to construction and final inspection.

304 **Councilmember Matthews** confirmed the plan which called for removal of a driveway
305 had been changed. She stated she drove by the subject property on November 19,
306 2019, expressing approval of the request.

307 Mr. Keith Towles, authorized agent, stated the driveway plans would enhance the
308 subject property's aesthetic.

309 **Mayor Prafke** called three times for public comment.

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

312 **MOTION UNANIMOUSLY CARRIED.**

313 Councilmember Matthews **MOVED** approval of SE-03-19, **SECONDED** by
314 Councilmember Cummings.

315 **MOTION UNANIMOUSLY CARRIED.**

316 **ORDINANCE/RESOLUTION**

317 **No Public Hearing Required**

318 **Citizen Comments - Ordinances/Resolution Items Only**

319 Comments below.

320 **GA- 08- 19 An Ordinance of the City of Punta Gorda, Florida, amending Punta**
321 **Gorda Code Chapter 23, "Traffic", Subsection 23- 7 and Chapter 20, "Streets and**
322 **Sidewalks", Subsection 20- 10 (a) to permit golf carts on the Tidal Creek Bridge;**
323 **amending Chapter 23, Punta Gorda Code, by adding a new Section 23- 8 to permit**
324 **golf carts on a portion of West Retta Esplanade; providing for conflict and**
325 **severability; and providing an effective date.** **SECOND READING**

326 City Attorney Levin read the ordinance by title.

327 Ms. MacGibbon voiced objection to the ordinance, expressing concern golf carts would
328 eventually be allowed to ferry individuals to 751 West Retta Esplanade as well.

329 Mr. Ivey expressed safety concerns related to golf carts crossing the 12-foot-wide
330 Bridge. He then commented on parking in Shreve, Pittman and Alice Parks.

331 Mr. Gary Butler, Military Heritage Museum, spoke regarding the vision for the
332 Museum's new facility. He acknowledged there were parking issues, opining the
333 proposed ordinance would assist veterans who could not walk to the Museum.

334 Ms. Allen reviewed her interactions with Police Chief Pam Davis Chief regarding
335 operation of golf carts over the Bridge. She stated she had expressed concerns related
336 to visibility due to overgrown mangroves as well as the speed of bicyclists crossing the
337 Bridge. She stated she was willing to work with the City on the golf carts. She
338 acknowledged the parking issues related to the Festival of Lights event, stating she
339 would work with the Police Department on the event's parking going forward.

340 Mr. Sabatini expressed support for use of the golf carts.

341 **Councilmember Carey** inquired if the golf carts would be street legal and insured.

342 Ms. Allen replied the golf carts were currently insured and would be modified to ensure
343 the carts were in compliance with direction from Police Chief Davis if the proposed
344 ordinance was approved.

345 City Attorney Levin clarified the golf carts referenced in the proposed ordinance were
346 not street legal; however, same could be modified to improve safety as described by
347 Ms. Allen.

348 **Councilmember Cummings** spoke in favor of the proposed ordinance, noting same
349 promoted walkability in the City.

350 **Councilmember Matthews** reiterated golf carts would help individuals with limited
351 mobility to access the Museum from Fishermen's Village.

352 **Mayor Prafke** requested staff identify a way to slow bicycle traffic near the Bridge.

353 **Councilmember Miller** opined signage would be appropriate for slowing bicyclists.

354 Councilmember Matthews **MOVED** approval of GA-08-19, **SECONDED** by
355 Councilmember Cummings.

356 **MOTION UNANIMOUSLY CARRIED.**

357 **CONSENT AGENDA**

358 A. Citizen Comments - Consent Agenda Items

359 None.

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

362 **MOTION UNANIMOUSLY CARRIED.**

- 363 B. City Clerk's Department
364 1. Approval of Minutes: Regular Meeting of November 6, 2019
365 C. City Manager's Department
366 1. 1% Sales Tax Committee Change
367 D. Legal Department
368 1. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for legal services
369 rendered through November 14, 2019.
370 E. Urban Design Division
371 1. Event Permit: 19-155560; Punta Gorda Downtown Tree Lighting; December 6,
372 2019; City Marketplace
373 2. A Resolution of the City Council of the City of Punta Gorda, Florida, as local host
374 agency for the Coastal and Heartland National Estuary Partnership, accepting a
375 grant award (#CE-00D90019-0) from the U.S. Environmental Protection Agency
376 for National Estuary Program annual funding; authorizing the City Manager to
377 execute the Cooperative Agreement and administer the grant on behalf of the
378 City; and providing an effective date.
379 F. Police Department
380 1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving
381 the Public Safety Answering Point Emergency Communication Interlocal
382 agreement between the Sheriff of Charlotte County, City of Punta Gorda, and
383 first responder agencies within the jurisdictional boundaries of Charlotte
384 County, Florida; authorizing the Mayor to execute the Interlocal agreement;
385 providing for conflict and severability; and providing an effective date.
386 2. A Resolution of the City of Punta Gorda, Florida, accepting a grant award from
387 the Florida Department of Law Enforcement under the FY 19-20 Identity Theft
388 and Fraud Grant Program (Award No. 2020-SFA-ITF-08-2D-013); authorizing
389 the Mayor to execute the grant agreement on behalf of the City; and providing
390 an effective date.

391 **Citizen Comments - Regular Agenda Items Only**

392 None.

393 **BUDGET**

394 **Award of a Master Agreement and Specific Authorization #1 to Carollo Engineers,**
395 **Inc. of Sarasota, FL for professional engineering services for the City's Public**
396 **Water Supply Plan.**

397 Ms. Anne Heinen, Procurement Manager, explained the Master Agreement included
398 professional engineering services for the City's water supply planning. She stated

399 Specific Authorization (SA) #1 would provide engineering services for review of the
400 Minimum Flow and Level Rule for the Lower Peace River and Shell Creek and to
401 determine its impact on the City's water supply, adding the not-to-exceed cost of SA
402 #1 was \$64,120. She concluded staff recommended award of the Master Agreement
403 for a period of five years with an option for renewal and SA #1 to Carollo Engineers,
404 Inc. of Sarasota, Florida.

405 Councilmember Cummings **MOVED** approval of award of the Master Agreement and SA
406 #1 to Carollo Engineers, **SECONDED** by Councilmember Matthews.

407 **MOTION UNANIMOUSLY CARRIED.**

408 **NEW BUSINESS**

409 **Update on FEMA Risk MAP Study for Charlotte County**

410 Mr. Randy Cole, Chief Building Official, stated the update was for information purposes
411 only.

412 Mr. Green, Weiler Engineering, presented a short overview of the Federal Emergency
413 Management Agency (FEMA) mapping process and current status of the project, as
414 delineated in the agenda material. He explained the preliminary risk maps would
415 become effective after they were adopted, noting failure to adopt same would impact
416 the City's participation in the Community Rating System and, ultimately, the City's
417 flood insurance discount and residents' ability to obtain flood insurance.

418 City Attorney Levin noted the maps were changing from the National Geodetic Vertical
419 Datum of 1929 (NGVD 29) to North American Vertical Datum of 1988 (NAVD 88), which
420 could result in changes to a property's elevation. He noted properties no longer in
421 conformance due to the map change would be subject to FEMA's 50% rule.

422 Mr. Green commented the implications of the new risk maps should be considered
423 during the rewrite of the LDRs.

424 Mr. Todd Helt, Information Technology, provided a brief demonstration on navigating
425 to FEMA's online resources which showed impacts to specific properties, noting
426 information was posted on the City's website.

427 Discussion ensued regarding potential impacts to Punta Gorda Code and the need for
428 revisions.

429 Mr. Cole recommended everyone research their property and talk to their insurance
430 agent, encouraging all to attend one of FEMA's Map Update Open Houses. He noted
431 Mr. Helt would provide more information on the change from NGVD 29 to NAVD 88 on
432 the City's website.

433

434 RECOMMENDATION FROM CITY OFFICERS

435 CITY MANAGER

436 No comment.

437 CITY ATTORNEY

438 No comment.

439 CITY CLERK

440 City Council Service Boards & Committees 2019- 2020

441 City Clerk Smith drew members' attention to the listing of Council Service Board
442 preferences for discussion.

443 Discussion ensued with appointments being made to the various boards.

444 MPO Committee Staff Appointments

445 City Clerk Smith explained a motion indicating Council's approval was needed for the
446 Charlotte County-Punta Gorda Metropolitan Planning Organization's Technical
447 Advisory Committee and Bicycle/Pedestrian Advisory Committee appointments, as
448 delineated in the agenda material.

449 Councilmember Carey **MOVED** approval of the staff appointments, **SECONDED** by
450 Councilmember Cummings.

451 **MOTION UNANIMOUSLY CARRIED.**

452 BOARDS AND COMMITTEES

453 **Announcement of Vacancies**

454 Code Enforcement Board - Alternate

455 Board of Zoning Appeals - Alternate (2)

456 City Clerk Smith announced the vacancies.

457 **Nominations**

458 Police Officers' Pension Board

459 **Councilmember** Matthews requested an explanation of Mr. Harry Bartell's resignation
460 letter.

461 City Clerk Smith explained Mr. Bartell had taken exception to the appointment of Mr.
462 Gerald O'Halloran.

463 **Councilmember Matthews** questioned if specific criteria should be created for
464 consideration of applicants.

465 City Clerk Smith explained doing so would require review of the bylaws for the City's
466 Boards and Committees. She then inquired whether Council desired to consider a
467 review process for members in the future.

468 **Councilmember Matthews** replied same was not necessary at this time.

469 Councilmember Matthews **MOVED** to nominate and appoint Mr. Gregory Andrulonis,
470 **SECONDED** by Councilmember Cummings.

471 **MOTION UNANIMOUSLY CARRIED.**

472 **Appointments**

473 Punta Gorda Isles Canal Advisory Committee

474 Voting forms were distributed.

475 City Attorney Levin announced Mr. Mark Kuharski had received the most votes and was
476 thus appointed to the Committee.

477 **POLICY AND LEGISLATION**

478 **PRAFKE**: Mentioned she would be submitting an article for Isles Life magazine.

479 **MILLER**: Stated he enjoyed his first meeting and looked forward to a productive term.

480 **CITIZENS COMMENTS**

481 None.

482 The meeting was adjourned at 12:57 P.M.

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Mayor

City Clerk