

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, MARCH 4, 2020, 9:00 A.M.**

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

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. Carlo Gargiulo, followed by the Pledge of Allegiance.

PROCLAMATION/PRESENTATIONS

Rear Admiral Pamela C. Miller Day

Vice Mayor Matthews presented the proclamation, which was accepted by Mr. Rex Koch, President, Military Heritage Museum Board of Directors.

United States Navy Band Day

Mayor Prafke presented the proclamation, which was accepted by Mr. Tony Pimentel, President, Military Officer's Association of America.

Government Finance Professionals Week

Councilmember Miller presented the proclamation, which was accepted by Ms. Kristin Simeone, Finance Director.

40 Service Award - Rick Keeney

City Manager Kunik presented the award to Mr. Rick Keeney, Public Works Director.

30 Year Service Award - Carol Mohaupt

City Manager Kunik presented the award to Ms. Carol Mohaupt, Police Department. Police Chief Davis spoke regarding Ms. Mohaupt's service to the City.

15 Year Service Award - Audrey Denis

City Manager Kunik presented the award to Ms. Audrey Denis, Police Department. Police Chief Davis spoke regarding Ms. Denis' service to the City.

Institute for Elected Municipal Officials Certificate of Completion - Councilmember Miller

Mayor Prafke presented the Certificate to Councilmember Miller. She then announced changes to the agenda's order, noting the event permit for Wings Over Punta Gorda and the signs in the right of way discussion would be heard following the Consent Agenda.

Introduction of Board/Committee Member Nominees

None.

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

PUBLIC HEARINGS

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments - Ordinances/Resolution Items Only

None.

SV- 01- 19 An Ordinance of the City of Punta Gorda, Florida naming the unnamed fifty foot (50') wide right- of- way lying in Section 7, Township 41 South, Range 23 East, Charlotte County, Florida, as recorded in Plat Book 3, Page 38, of the Public Records of Charlotte County, Florida, and more particularly described in Exhibit "A" attached hereto, as Desguin Lane; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Carey **MOVED** approval of SV-01-19, **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 Cummings.

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of February 19, 2020
2. Approval of Minutes: Strategic Planning Workshop of January 24, 2020
3. Approval of Minutes: Chapter 6 Workshop of November 20, 2019

C. City Manager's Department

1. America in Bloom

D. Legal Department

1. Invoice of Allen, Norton & Blue, P.A. for legal services rendered through January 31, 2020
2. Monthly Litigation Report
3. City Attorney Action Register

- E. Urban Design
 - 1. A request by the Punta Gorda Historic Mural Society for "Army Airfield" mural at Veterans Park
- F. Police Department
 - 1. Application Approval for Florida Department of Transportation (FDOT) Highway Safety Grant for Think Before You Drink Campaign

Citizen Comments - Regular Agenda Items Only

Mr. Joe Comeaux voiced concern regarding the short amount of time spent planning the air show to mitigate any safety issues, such as air crash and rescue response in a heavily congested area.

BUDGET

NOTE: Property Acquisitions for Corto Andra/Boca Grande Drainage Improvements Project was heard following Signs in the Right of Way.

Property Acquisitions for Corto Andra/Boca Grande Drainage Improvements Project

City Manager Kunik advised the final counteroffer for 1802 Manzana Avenue was \$210,000 and the final counteroffer for 301 San Carlos Drive was \$85,500, adding staff was comfortable with those figures and was requesting City Council approve the final offers, authorize the City Manager to execute the contracts and direct the City Attorney to handle the real estate closings.

Councilmember Cummings **MOVED** approval of the purchase price counteroffers from the sellers and authorization of the City Manager to execute the contracts and the City Attorney to handle the real estate closings, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Award of Amendment #4 for Engineering Services to assist with Lease Negotiations for the Wastewater Treatment Facility to CDM Smith of Fort Myers, FL

Ms. Julie Rogan-Sutter, Procurement, explained Amendment #4 to the Master Agreement for engineering services awarded to CDM Smith, Inc., was for assistance with lease negotiations with the Florida Fish and Wildlife Conservation Commission (FFWCC) for the Wastewater Treatment Facility, concluding staff recommended award of the amendment at a cost of \$90,000.

City Manager Kunik stressed this was an extremely important project which required a long-term agreement.

Councilmember Matthews inquired why it was necessary to hire a consultant to negotiate the renewal of an existing agreement.

Mr. Tom Jackson, Utilities Manager, explained the City required a 15-foot easement from the FFWCC to install a parallel force main on the property approximately 5 years ago, noting obtaining the easement required eight months' work and three trips to Tallahassee. He stated the City almost did not receive the easement, speaking in favor of hiring a professional firm.

Councilmember Matthews inquired whether the City could consider purchasing the land from the FFWCC.

Mr. Jackson responded it was a 50 year lease; however, purchasing a portion of the land might be an option, confirming he would request the consultant make that part of their negotiations.

Councilmember Matthews **MOVED** approval of Amendment #4 to CDM Smith, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Discussion of Community Stakeholders Interview Panel for City Manager

Mr. Phil Wickstrom, Human Resources Manager, drew members' attention to the updated Community Stakeholder Panel member list, as delineated in the agenda material.

Councilmember Matthews inquired whether it was appropriate for a member of the Community Redevelopment Agency to be a member of the panel.

Consensus was there was no objection.

Councilmember Cummings appointed Mr. Jerry Hays.

Councilmember Miller appointed Ms. Wendy Mueller.

Councilmember Matthews appointed Mr. Harry Walberg.

Mayor Prafke appointed Ms. Claire Phelan.

Councilmember Cummings **MOVED** approval of the list as presented, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Mr. Wickstrom provided an update on the process for selection of the next City Manager.

NOTE: Signs in the Right of Way was heard following Event Permit 20- 156829.

Signs in the Right of Way

Ms. Lisa Hannon, Zoning Official, explained Code Compliance staff began working weekends due to an abundance of signs in the right-of-way, noting the Code Enforcement Board heard 16 cases related to same on February 26, 2020. She stated the Board moved to find the respondents guilty of violating Punta Gorda Code, to

require payment of case costs and, in most cases, to impose a \$100 fine. She noted previous correspondence with the Board of Realtors regarding this issue had been included in the agenda material.

Mr. Bill Dryburgh, Punta Gorda-Port Charlotte-North Port-Desoto Board of Realtors (Board), President, noted the Board admitted there was an issue. He asserted data from the National Association of Realtors and the Board indicated directional signs for an open house produced significant results, opining directional signs were needed in the City. He stated the main complaint was clutter. He suggested the Board would like an opportunity to work with the City to devise a single generic sign to direct traffic to an area where multiple open houses were located, with the agent's individual sign only located in front of the house.

Ms. Catherine Sanders stated not being able to place directional signs was a problem.

Mr. Stas Matias stated open houses helped sell properties. He spoke in favor of working on a solution together.

Mr. Brian Young asserted directional signs drew customers to open houses, which allowed realtors an opportunity to sell them on the City.

Mr. James Petche reiterated realtors wanted to resolve the problem.

Mr. Jim Quinn spoke in favor of Mr. Dryburgh's suggestion.

Ms. Leanne Walker opined the right-of-way versus private property should be defined clearly.

Ms. Deb Sestilio stated open houses were important as newspaper advertisements only produced a 5% return.

Councilmember Cummings opined Mr. Dryburgh's suggestion was a reasonable compromise.

Councilmember Matthews stated staff and the Board of Realtors needed to meet to work on a reasonable compromise.

Councilmember Miller confirmed there were legal issues which should be considered.

Councilmember Carey agreed compromise was needed, emphasizing realtors who installed signage needed to remove same at the conclusion of their open houses.

Mayor Prafke suggested signs be retained for a certain period of time before being discarded.

City Attorney Levin provided a synopsis of sign regulations and related constitutional considerations, emphasizing regulations must be content neutral. He stated he was drafting a new sign ordinance which would not violate the constitution, noting one consideration was whether Council desired to open the public right-of-way for signage

and remove the limitations on directional signs. He requested Council's direction regarding how to address the situation.

Councilmember Carey inquired as to how Council could proceed with a voluntary compromise with the Board of Realtors.

City Attorney Levin stated Council could choose to suspend enforcement of violations related to off-premises signs until the City amended its current ordinance.

Discussion ensued regarding possible revisions to the City's sign regulations, including provisions related to the right-of-way, and related constitutional considerations, with City Attorney Levin stating the draft based on the most recent court determinations would be ready for staff's review later in the week.

Councilmember Miller commented rewriting the sign ordinance would take some time, speaking in favor of suspending enforcement of the current ordinance.

City Attorney Levin suggested Council suspend enforcement of provisions of Punta Gorda Code related to signs in the right-of-way and off-premises directional signs until such time as the City drafted a new sign ordinance with the understanding it did not apply only to realtors.

Councilmember Cummings **MOVED**, to suspend enforcement of provisions of Punta Gorda Code related to signs in the right-of-way and off-premises signs until such time as the City drafted a new sign ordinance with the understanding it did not apply only to realtors, **SECONDED** by Councilmember Matthews.

Councilmember Carey confirmed the motion would allow placement of signs during the week as well.

City Attorney Levin noted Council could amend the motion to suspend enforcement on Fridays, Saturdays and Sundays.

Councilmember Cummings **MOVED TO AMEND** his motion to suspend enforcement on Saturdays, Sundays and holidays, **SECONDED** by Councilmember Matthews.

City Attorney Levin questioned if Council desired to dismiss the cases scheduled for the March 2020 Code Enforcement Board meeting.

Councilmember Carey expressed hesitance to do so, noting the ordinance had been in effect.

Councilmember Matthews concurred, noting the Board of Realtors had been reminded of same three months ago.

MOTION UNANIMOUSLY CARRIED.

Mayor Prafke called for a vote on the motion as amended.

MOTION UNANIMOUSLY CARRIED.

Councilmember Cummings **MOVED** to voluntarily dismiss the March 2020 cases.

MOTION DIED FOR LACK OF A SECOND.

City Attorney Levin stated Punta Gorda Code required staff to remove and dispose of signage collected from the right-of-way. He explained signs collected on days when the regulations were enforced could be held and not disposed of, adding he was in favor of holding signs as it created an opportunity to serve respondents with a notice of violation.

Mayor Prafke inquired if such a provision could be created.

City Manager Kunik replied signs could be placed in a corner of the Public Works/Utilities campus and then disposed of every two weeks. He indicated individual signs would not be monitored.

Ms. Sam Walker, Walker Realty, noted landscapers had moved one of her signs into the swale, inquiring if individuals would no longer be cited and their signs no longer removed until the sign regulations were amended.

Mayor Prafke replied enforcement would still be in effect Monday through Friday.

City Attorney Levin suggested signs be placed far into a property so that landscapers would not inadvertently move them into the right-of-way.

NOTE: A short break was called at 11:22 am.

NEW BUSINESS

NOTE: Event Permit 20- 156829 was heard following the Consent Agenda.

Event Permit 20- 156829; Wings Over Charlotte Harbor; October 23, 24 & 25, 2020

Mr. Dana Carr, Florida International Air Show (FIAS), Chairman, displayed the site plan for the event, explaining the Air Show could not be held at the Punta Gorda Airport for the next two years due to extensive runway reconstruction. He pointed out the plan was to have fire rescue boats at each corner of the Air Show and the Charlotte County (County) Sheriff's Department would provide three boats with ten divers. He then stated the Air Show would be accessible to anyone within eyesight of the Harbor.

Mr. Stan Smith, Florida International Air Show, President, explained the Coast Guard would notify mariners in the area of the show and might provide a cutter with a helicopter.

Councilmember Matthews noted the Boater's Alliance would coordinate with the FIAS for water safety and security, adding they would communicate with the individuals whose boats were anchored in the area highlighted on the site plan. She announced the Punta Gorda Boat Club (Boat Club) wanted to hold a festival in conjunction with the Air Show; thus, West Retta Esplanade could not be closed.

Mr. Carr stated numerous community organizations would be involved, many of whom would provide various services. He stated the FIAS was working with County transit to bus people to viewing areas, noting various locations were being evaluated for parking. He stated a practice show would be held on Friday afternoon.

Mr. Carr forecasted a smaller crowd of approximately 5,000 per day since neither the Thunderbirds nor the Blue Angels would be part of the show.

Mr. Smith pointed out spectators would be widely dispersed.

City Manager Kunik stated staff was recommending all side streets and West Retta Esplanade be closed.

Mayor Prafke questioned how the Boat Club's plans for a festival could be accommodated.

Discussion ensued regarding accommodation of the Boat Club's festival while still limiting traffic in the area.

Police Chief Pam Davis reported the Police Department had not been included in the FIAS discussions, expressing uncertainty as to what resources would be required. She spoke in favor of FIAS receiving a firm commitment from the Coast Guard.

Mr. Carr confirmed the timeframe for the road closure was approximately from 9:00 a.m. to 3:00 p.m. He offered to coordinate with the Boat Club regarding their festival, commenting favorably on busing attendees to the facility.

Councilmember Miller stated parking and flow of attendees were important issues, opining the City's Police Department needed to be involved. He voiced concern the area could not handle a large number of cars.

Mayor Prafke stated these details needed to be worked out as part of approving the event permit.

Police Chief Davis stated she desired a Punta Gorda Marine Officer be involved in planning the event.

Mr. Smith agreed a meeting was needed with County and City staff.

Mr. Carr requested approval with the condition City staff coordinate with the County.

Councilmember Cummings suggested the event permit be continued to the next meeting so that details could be coordinated in advance.

Mayor Prafke concurred the City needed to be involved in the planning as the event was within the City's jurisdiction.

Councilmember Carey **MOVED** approval of the event permit contingent upon approval by the Fire Department and Public Safety.

Ms. Hannon questioned if Council was also going to approve the road closures.

Councilmember Carey expressed desire to delay approving road closures until the Police Department provided input.

City Manager Kunik stated staff desired the road closures.

Mayor Prafke opined parking at Gilchrist Park for the Boat Club was not feasible.

Councilmember Cummings expressed support for the road closure as a way to limit the show's impact on residents, expressing satisfaction with approving the event permit with the contingency public safety issues needed to be addressed.

MOTION DIED FOR LACK OF A SECOND.

Councilmember Matthews **MOVED** approval of the event permit contingent upon resolving all fire and public safety issues including possible closure of West Retta Esplanade, with a second and final review on March 18, 2020, **SECONDED** by Councilmember Miller.

MOTION UNANIMOUSLY CARRIED.

Mr. Carr presented a signed lithograph from the Thunderbirds to City Council.

NOTE: Action Register Quarterly Update was heard following Discussion of Community Stakeholders Interview Panel for City Manager.

Action Register Quarterly Update

Ms. Melissa Reichert, Communications Manager, displayed a PowerPoint Presentation, as delineated in the agenda material, providing the quarterly Action Register update.

Councilmember Carey inquired as to the status of the commemorative bricks for Veterans Park.

Ms. Joan LeBeau, Urban Design Manager, stated the individual veterans groups had not yet made a final decision on placement of the bricks.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

None.

CITY ATTORNEY

None.

CITY CLERK

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals - Alternate

Utility Advisory Board

Burnt Store Isles Canal Advisory Committee

Appointments

Utility Advisory Board (2)

Councilmember Cummings **MOVED** appointment of Messrs. George Ruchti and Mike Dougherty, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

PRAFKE: Expressed appreciation for staff's work in distributing information about the coronavirus.

MILLER: Commented more thought was required to ensure the public's safety during the Air Show.

MATTHEWS: Reported she would be meeting with an FDOT representative to do a tour of the problematic areas in the City. She stated FDOT had postponed the presentation of the US 41 Corridor Vision Plan to the Metropolitan Planning Organization.

- Questioned if items featuring the City logo could be sold.

City Manager Kunik replied the logo was currently restricted to use by City employees so they could be easily identified.

- Suggested City decals be sold.

CUMMINGS: Announced he met the new Charlotte County Administrator Hector Flores, noting there were several changes to staff in County Administration.

CITIZENS COMMENTS

Mr. Brad Gamblin reported on the success of the Taste of Punta Gorda event.

The meeting was adjourned at 12:19 p.m.

Mayor

City Clerk