

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, SEPTEMBER 6, 2017, 9:00 A.M.**

COUNCILMEMBERS PRESENT: Cummings, Keesling, Matthews, Wein

MEMBERS EXCUSED: Prafke

CITY EMPLOYEES PRESENT: Dave Drury, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Urban Design; Jason Ciaschini, Police; Ray Briggs, Fire; Macalle Finkle, Executive Assistant/City Paralegal, Acting City Attorney Jessica Farrelly; City Manager Kunik; City Clerk Smith

Mayor Keesling 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

30 Year Service Award – Jim Moss, Utilities Department Instrument Technician

City Manager Kunik presented the award to Mr. Jim Moss, Utilities Department.

Mr. Tom Jackson, Utilities Director, spoke of Mr. Moss' service to the City.

Introduction of Board/Committee Member Nominees

Mr. John Burrage spoke on behalf of Mr. Edward Zapke as a nominee for the Board of Zoning Appeals.

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

Mayor Keesling announced Item III.C.4., Emergency Ordinance Declaring a State of Local Emergency, would be heard under Public Hearings after Item III.A.3.

PUBLIC HEARINGS

A Resolution of the City Council of the City of Punta Gorda, Florida, approving a substantial amendment to the Fiscal Year 2015 Community Development Block Grant Action Plan as amended; and providing for an effective date.

Acting City Attorney Jessica Farrelly read the resolution by title.

Mayor Keesling 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 the resolution and appropriation of funds, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, approving a substantial amendment to the Fiscal Year 2016 Community Development Block Grant Action Plan as amended; and providing for an effective date.

SECOND PUBLIC HEARING

Acting City Attorney Farrelly read the resolution by title.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Cummings **MOVED** approval of the resolution and appropriation of funds, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

GA-04-17 – An Ordinance of the City Council of the City of Punta Gorda, Florida, amending Chapter 17, “Public Utilities”, Section 17-7, “Water System Monthly Rates, Fees and Charges”, and Section 17-18, “Wastewater System Monthly Rates, Fees and Charges”, Punta Gorda Code, to remove the scheduled rate increases for Fiscal Year 2018; providing for conflict and severability; and providing an effective date.

FIRST READING

Acting City Attorney Farrelly read the ordinance by title.

Mr. Dave Drury, Finance Director, stated due to increased revenues, it was no longer necessary to implement a 4% increase, noting the Utility Advisory Board recommended the language be removed and to consider the matter again in the future if needed.

Mayor Keesling 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 GA-04-17, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

A Resolution of the City Council of the City of Punta Gorda, Florida, expressing the City’s support and intention to create within its boundaries the “Renewpace Program”, a voluntary program providing interested property owners with the opportunity to finance energy efficiency, renewable energy and wind resistance improvements on their property by repayment through non-ad valorem

assessments on their property tax bill; authorizing the Mayor of Punta Gorda to execute an Interlocal Agreement with the Florida Green Finance Authority for administration of the Renewpace Program in the City of Punta Gorda; providing an effective date; and for other purposes.

Mr. Terry Stark stated he represented Ygrene Energy Fund, announcing as of August 30, 2017, 74 projects worth slightly more than \$1.1 million has been financed and completed in Charlotte County, 80 of which had been for wind hardening of roofs, windows and doors.

Councilmember Matthews questioned the loan percentage charged.

Mr. Stark replied between 6% to 7.5%, contingent upon the life of the loan.

Acting City Attorney Farrelly read the resolution by title.

Ms. Macalle Finkle, Executive Assistant/City Paralegal, recalled City Council previously approved the resolution and Membership Agreement with Florida Green Finance Authority for the Property Assessed Clean Energy (PACE) program.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida ("Council"), authorizing financing of Property Assessed Clean Energy ("PACE") improvements within the City of Punta Gorda; providing for PACE provider levy of non-ad valorem assessments, third-party administration, financing agreements and approval of PACE provider agreements; directing staff to evaluate additional PACE providers; establishing standards for evaluating additional PACE providers; directing staff to negotiate with additional PACE providers; and directing staff to present future PACE provider agreements for Council consideration; and providing for severability, and an effective date.

Acting City Attorney Farrelly read the resolution by title.

Ms. Finkle clarified the agreements were non-exclusive.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, creating a Property Assessed Clean Energy (PACE) Program and joining the Green Corridor Property Assessment Clean Energy (PACE) District as a non-voting member; authorizing the execution of a non-exclusive membership agreement with the

Green Corridor Property Assessment Clean Energy (PACE) District; providing directions to the City Clerk; and providing for an effective date.

Acting City Attorney Farrelly read the resolution by title.

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

MOTION UNANIMOUSLY CARRIED.

An Emergency Ordinance of the City Council of the City of Punta Gorda, Florida, declaring a State of Local Emergency and providing for Emergency Governmental Operations related to Hurricane Irma if deemed necessary and in conjunction with Charlotte County; providing for termination of emergency powers, providing for conflicts; and providing an effective date.

Acting City Attorney Farrelly read the ordinance by title.

City Manager Howard Kunik explained this ordinance transferred the reins of operations during emergency conditions. He noted staff would update Council and the public on their preparations for the upcoming weather event.

Mayor Keesling called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Matthews **MOVED** approval, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Fire Chief Ray Briggs announced all City Departments were working on their emergency operations plans. He stated staff was participating in both State and Federal conference calls twice daily regarding available resources, expressing concern as much of those resources had been dedicated to the aftermath of Hurricane Harvey. He advised residents should be prepared to be without power for seven to fourteen days. He concluded staff was coordinating with Charlotte County to issue a unified message relative to storm related information and assistance.

Staff members from each City Department/Division described actions being taken by employees in anticipation of effects from the storm.

Councilmember Matthews inquired as to a policy for parking in the Herald Court Centre parking garage.

Ms. Finkle responded once a hurricane warning was issued, the 24 hour parking restriction would be lifted; however, the third floor would be reserved for City vehicles/equipment. She clarified parking would be available on a first come/first serve basis,

adding the 24 hour parking restriction would be reinstated once the “All Clear” was declared.

Mayor Keesling reported on the Florida League of Cities’ (FLOC) conference call with Governor Rick Scott the previous day, stating same had been helpful, informative and reassuring.

City Manager Kunik advised staff would continue to communicate with the community.

Councilmember Matthews confirmed real estate signs would be removed wherever possible.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

A. Citizen Comments - Consent Agenda Items

None.

B. City Clerk's Department

1. Approval of Minutes: Regular Meeting of August 23, 2017

C. 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, authorizing submission of a grant application to the Florida Department of Environmental Protection for a Coastal Partnership Initiative Grant; authorizing the City Manager to sign the grant application, to sign the grant agreement and administer the grant on behalf of the City; appropriating grant award; and providing an effective date

2. Approval of the Second Amendment to Master Solar Lease Agreement relating to the Florida Power & Light SolarNow™ Program

D. Police Department

1. Disbursement Request - Law Enforcement Trust Fund

Citizen Comments – Regular Agenda Items Only

None.

BUDGET

Fiscal Year (FY) 2018 Strategic Plan.

City Manager Kunik briefly reviewed the actions items, noting City Council would be asked to approve same at their September 20, 2017 meeting. He reported Councilmember Prafke had requested inserting “proactively” prior to “Support public/private efforts that facilitate ...” in the External Action Item on page 6 of the Strategic

Plan. He noted once the Fishermen's Village legal issue was resolved, staff would present a plan for use of the entire Special Use Fund, adding staff was performing an extensive review of the City Code as same related to City Center and Highway Commercial zoning regulations.

Mayor Keesling inquired as to the process for the distribution of funds on recommendations such as additional lighting in the Trabue Woods neighborhood.

City Manager Kunik replied the Urban Design Division had established a process involving the community, including issuance of a newsletter. He commented briefly on major projects listed under Infrastructure Sustainability, such as the septic to sewer plan, automated trash collection and Advanced Metering Infrastructure, adding Council would be presented with a contract for the latter project once a vendor was selected.

Mayor Keesling confirmed a number of bids had been received.

City Manager Kunik then completed his presentation with a review of Partnerships, Communication & Collaboration, Strategic Communications Positioning and Quality of Life Action Items, as delineated in the agenda material. He mentioned the results of the next phase of the branding study were expected relatively soon along with a communications plan, reminding Council the proposed Fiscal Year 2017/2018 budget provided for a communications manager position.

Mayor Keesling observed Quality of Life referenced a "planned 18-mile Punta Gorda Pathways", asking if same was realistic.

Ms. LeBeau expressed a preference to retain the existing language as connections to the Punta Gorda Pathways continued to be a valid goal.

Employee Security: City Hall, City Hall Annex, Fire Station 1, Public Works/Utilities Campus.

City Manager Kunik stated staff presented a list of security measures at the July 12, 2017 City Council meeting to provide a more secure and safe environment for City employees. He advised staff had prioritized the recommended measures at Council's direction and developed an action plan to be implemented over a span of two to three years. He noted funding would be derived from either the Special Use or General Funds, primarily the latter initially.

Mr. Phil Wickstrom, Human Resources Manager, displayed the list of projects, as delineated in the agenda material, stating employees expected to feel safe when they came to work.

Councilmember Matthews **MOVED** approval of the planned security measures, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

UNFINISHED BUSINESS

Ponce de Leon Park Update

Mr. Jim Herston, Herston Engineering, displayed an aerial view of Ponce de Leon Park as well as a proposed site plan, as delineated in the agenda material, stating he truly enjoyed working with City staff. He briefly reviewed the major features of the proposal, pointing out parking capacity represented a significant correction to the site. City Manager Kunik questioned the location of the new kayak launch.

Mr. Herston pointed out same on the site plan located near the existing boat launch. City Manager Kunik clarified the canopy type structures were intended to provide shade.

Mr. Herston explained those structures were open, stating he would include same in the Southwest Florida Water Management District permit regardless of whether or not they were constructed initially. He mentioned a larger structure replicated the existing facility, pointing out the location of same near the playground.

Mayor Keesling asked if any picnic facilities were planned.

Mr. Herston replied three such areas were planned - center, playground, beach.

City Manager Kunik stated the Peace River Wildlife Center (PRWC) was aggressively moving forward with fundraising, adding the City intended to start construction on Ponce de Leon Park and the PRWC simultaneously in April or May of 2018.

Mr. Herston stated he did not foresee any problem with that timeframe.

Councilmember Matthews confirmed Ms. Callie Stahl, PRWC Executive Director, was in agreement with the proposal.

Councilmember Matthews **MOVED** approval of the conceptual plan, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Creation of Non-Monetary Gift Policy

Ms. Donna Peterman, Marketing Liaison Volunteer, requested Council approve the ability of the Historic Preservation Advisory Board to develop a policy governing non-monetary gifts such as the art, plaques, maps and various other items received over a number of years which currently adorned City Hall and the City Hall Annex.

Councilmember Matthews confirmed the policy would address assessing the value of items donated to the City.

Councilmember Cummings **MOVED** approval of moving forward with development of a policy, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik announced a Budget Public Hearing would be held later this date at 5:01 p.m. He noted assessments would be established for the Punta Gorda Isles and Burnt Store Isles Canal Maintenance Assessment Districts and the Lot Mowing Program.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals Alternate

City Clerk Smith announced the continuing vacancy.

Nominations

Building Board

Councilmember Matthews **MOVED** to nominate and appoint Mr. Robert Haynes, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Board of Zoning Appeals (2)

Councilmember Matthews **NOMINATED** all interested parties.

Appointments

Historic Preservation Advisory Board Alternate

Voting forms were distributed.

Acting City Attorney Farrelly announced Ms. Sushila Cherian had received the majority of votes and was thus appointed to the Board.

POLICY AND LEGISLATION

Reconsideration of Pilot Program for Medical Marijuana Treatment Center Dispensing Facilities.

Mayor Keesling voiced concern with expending City resources in that the Legislature would return in January 2018. She stated she preferred to take no action until the outcome of the Legislature was known, suggesting the City partner with Charlotte County or the FLOC to gain a true sense of direction as to how other entities are moving.

City Manager Kunik expressed Councilmember Prafke's agreement with postponing any action until the legislature acted.

Councilmember Wein spoke in favor of establishing a pilot program in order to serve those in need. He reminded everyone the issue was medical as opposed to recreational marijuana.

Councilmember Matthews agreed the City should move forward. She noted Charlotte County Commissioner Joseph Tiseo visited the main dispensary in Tampa, Florida, and

found it to be completely unobtrusive, professionally run and well kept. She pointed out the City could opt to discontinue the pilot program if found to be undesirable for some reason.

Mayor Keesling expressed concern with the potential for legal challenge as a result of same. She reiterated her desire to take no action until March or April 2018.

Councilmember Cummings added the City could be doing a disservice to a business which elected to open a dispensary as part of the pilot program if the latter was subsequently discontinued. He suggested the City could assist with facilitating a relationship between the Tampa dispensary and Punta Gorda residents.

Discussion ensued regarding the availability of medical marijuana and the ability of patients to obtain their medication.

Councilmember Wein opined a pilot program should not be limited to six months, asking why it could not be instituted for three years, for example.

Councilmember Cummings disagreed as the law was currently so problematic. He reiterated his concern with regard to the legal problems facing employees from their employers through the use of medical marijuana.

Councilmember Wein asserted this was a moral dilemma, stating life sometimes involved taking a risk to do the right thing morally.

Discussion ensued regarding the availability of medical marijuana and the ability of patients to obtain their medication.

Mr. Frank Lepore, Health Officer Charlotte County Department of Health, stated there were pharmacies available to deliver the medication, acknowledging some providers were experiencing issues related to maintaining malpractice insurance. He advised the Department of Health maintained a neutral position on this issue.

Consensus was to discuss the issue again at the September 20, 2017, City Council meeting.

Councilmember Matthews requested invitations be extended to representatives of dispensaries.

Councilmember Wein added he would also invite individuals who were seeking the relief provided by medical marijuana.

Ms. Finkle clarified if all invitees could not attend, the discussion would be continued to the October 4, 2017 meeting.

City Manager Kunik then announced the Fishermen's Village mall and marina would close on September 7, 2017, prior to Hurricane Irma.

Discussion ensued with regard to upcoming cancellations due to the storm.

CITIZENS COMMENTS

Mr. Gary Skillicorn urged City Council to lead rather than follow with regard to the medical marijuana pilot program.

The meeting was adjourned at 10:54 a.m.

Mayor

City Clerk