



**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, OCTOBER 17, 2018, 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Cummings, Keesling, 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 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**

**Florida City Government Week**

**Mayor Keesling** presented the proclamation, which was accepted by City Manager Howard Kunik.

**Volunteers in Policing (VIP) Milestones – Frank Whippel 20 Years, Bill Klossner 20 Years, James Muenz 10 Years and Charlotte Quinn 10 Years**

Ms. Pamela Davis, Police Chief, described the various volunteer programs, noting 87 individuals contributed 17,000 hours of assistance. She then presented the 10- and 20-year awards.

**Introduction of Board/Committee Member Nominees**

Mr. Paul Sacilotto introduced himself as a nominee for the Code Enforcement Board and the Punta Gorda Isles Canal Advisory Committee.

Mr. Tim Sullivan and Ms. Rae Denison introduced themselves as nominees for the Punta Gorda Isles Canal Advisory Committee.

**PUBLIC HEARINGS**

**ZA-09-18 – An Ordinance of the City of Punta Gorda, Florida, Chapter 26, Article 8, Section 26-8.3, Punta Gorda Code, relating to exclusions from height limits; deleting provisions relating to a waiver from height limitations; adding a new subsection relating to height limits for amateur radio antenna support structures**

**and associated antenna; providing for permits for amateur radio antenna support structures; providing for conflict and severability; and providing an effective date.**

**FIRST READING**

City Attorney Levin read the ordinance by title.

Ms. Lisa Hannon, Zoning Official, stated the matter of antenna heights had been a topic of much discussion dating back to 2009. She read the staff report, as delineated in the agenda material, into the record and recommended approval of the ordinance with the following amendment to Section 8.3(b)(2)(b): "Every antenna and Amateur Radio Support Structure shall be set back at least seven and one half feet (7.5') from the side property line and twenty feet (20') from the rear property line." She concluded the Planning Commission unanimously recommended denial of ZA-09-18.

City Attorney Levin commented on the Federal Communication Commission's (FCC) limitations on the City's authority to impose restrictions through the adoption of local land use regulations, pointing out a height of seventy feet was consistent with the national organizations and maximums allowed in municipalities across the country. He confirmed existing antennas would be grandfathered.

**Councilmember Matthews** stated she understood there were very few antennas existing in the Special Residential Overlay (SRO) zoning districts. She confirmed no complaints had been filed with the City over the past several years.

Discussion ensued regarding the service provided by HAM radio operators.

Mr. David Bowen stated based on his experience in this field, a 7.5 foot setback was insufficient.

Mr. Glen Tuttle voiced agreement with Mr. Bowen.

Mr. Ron Farley stated his antenna was a lightweight home built model; therefore, he was not able to comply with the required specifications and testing.

Mr. Brad Gamblin opined an ordinance was unnecessary.

Mr. David Schall voiced objection to the ordinance.

Mr. Steve Soley opined the ordinance was discriminatory, requesting City Council deny adoption of same.

**Mayor Keesling** called three times for anyone to speak on ZA-09-18.

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

**MOTION UNANIMOUSLY CARRIED.**

City Attorney Levin noted the need for this ordinance was due to a void in the regulations and an unspecified waiver process. He pointed out if Council took no action, antenna heights would be restricted to a maximum of 42 feet.

Discussion ensued with consensus to send the ordinance back to the Planning Commission for reconsideration with the proposed changes.

**Councilmember Matthews** opined the proposed regulations were cumbersome, recommending operators simply be required to register with the City and advise staff of the height of their antenna.

Councilmember Wein **MOVED** to deny ZA-09-18 on first reading, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

#### CONSENT AGENDA

##### **A. Citizen Comments – Consent Agenda Items**

None.

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

**MOTION UNANIMOUSLY CARRIED.**

##### **B. City Clerk's Department**

1. Approval of Minutes: Regular Meeting of October 3, 2018
2. Approval of Minutes: Special Meeting of October 10, 2018

##### **C. Legal Department**

1. Invoice of Persson & Cohen, P.A. for Services Rendered in September 2018
2. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for Services Rendered through September 31, 2018

##### **D. Finance Department**

1. Award of Agreement to Daniel Vincent O'Leary, M.D., P.A. for Medical Director Services Required for the City's Fire Department Pursuant to State Law
2. Request by St. Mary Primitive Baptist Church for a Waiver of Lien Interest on 528 Ida Avenue

##### **E. 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 (CHNEP), accepting grant funding from the Southwest Florida Water Management District (SWFWMD) for Charlotte Harbor National Estuary Program non-Federal funding for the Federal Fiscal Year 2019 Annual Workplan; authorizing the City Manager to sign the grant agreement and administer the grant on behalf of the City; appropriating grant award; and providing an effective date

## **F. Police Department**

1. 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program - Countywide - State Solicitation - Training Lab Simulator Project

### **Citizen Comments – Regular Agenda Items Only**

Ms. Sheri Lenora asserted the Gilchrist Park Waterfront Activity Center should be considered as part of the Master Plan.

Mr. John Burn expressed hope the Punta Gorda Boat Club (PGBC) would be given priority as a tenant in any new facility, and the City would be willing to begin discussions in anticipation of the PGBC's lease expiration in April 2021.

Ms. Kim Devine requested the City contract with a property management company to handle the Bayfront Center, opining a vacant space available at no charge was detrimental to the neighborhood in the form of unintended consequences. She asserted the PGBC and YMCA were not maintaining the buildings.

Ms. Stephanie Pierce, Gulfshore Opera General Director, stated the Gulfshore Opera had proposed a partnership with New Operation Cooper Street (NOCS) on a Harmony Choir project.

Ms. Cynthia Beauford-Johnson announced she represented Once Upon a Time in Punta Gorda, providing a description of their programs.

Ms. Martha Bireda, NOCS Board member, urged Council to fund the Gulfshore Opera and St. Mark Desserts.

Mr. Mike Ford, Bernice A. Russell Community Development Corporation, recommended Council fund repairs to the Blanchard House Museum structure.

Ms. Melody Washington, First Macedonia Missionary Baptist Church, spoke regarding the food program offered in cooperation with the Harry Chapin Food Bank.

### **BUDGET**

#### **Bethel St. Mark 2018/2019 Funding Initiative**

Mr. David Hilston, Chief Planner, announced the second year of funding for the Bethel St. Mark Historic Neighborhood Initiative consisted of six new applications and three carry-over projects, reviewing the specifics of each, as delineated in the agenda material. He pointed out the agenda material depicted \$1,250 for St. Mark Desserts; however, he believed same could be increased to \$3,750. He summarized new funds requested totaled \$17,257, and encumbered funds totaled \$39,210 for a total funding request of \$57,467.

**Mayor Keesling** clarified the Agripreneur Garden was intended to generate income, questioning the timing of same.

Ms. Joan LeBeau, Urban Design Manager, replied the Agripreneur Garden was scheduled to open by the end of November 2018, adding no financial assistance from the City would be required after 3 years.

**Mayor Keesling** confirmed sufficient funding existed for all of the requests.

**Councilmember Prafke** noted 501(c)3 organizations could seek funding from entities such as the Charlotte Community Foundation. She acknowledged the importance of the requests; however, she was concerned with the City's overall budget, both current and future.

Mr. Hilston stated once the infrastructure analysis was complete, funding could be directed toward same. He explained staff did not wish to inhibit the application process.

**Councilmember Prafke** spoke in favor of reserving the proposed funds for infrastructure needs.

**Mayor Keesling** cautioned applicants must be aware funding was done on a year-to-year basis. She urged the First Macedonia Baptist Church to reconsider the timing of their food distribution as many working class families were not available at 10:00 a.m. She suggested consultation with the Harry Chapin Food Bank to ensure assistance was provided to as many people as possible.

Councilmember Cummings **MOVED** approval of the Bethel St. Mark 2018/2019 Funding Initiative with the amendments proposed by staff for the St. Marks Desserts program, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

Ms. LeBeau confirmed Councilmembers were amenable to utilizing the Procurement Division to obtain the most favorable prices.

**Approval of Purchase Agreement and Appropriation of Funds for the Purchase of Mitigation Credits from Little Pine Island Mitigation Bank for the Buckley's Pass (Additional Harbor Access) Project.**

City Manager Kunik announced permitting approval of Buckley's Pass required the City to mitigate the project's impact through purchase of mitigation credits. He requested Council direction regarding the funding source – borrow from General Fund reserves or Special Use Fund reserves. He reminded everyone the use of reserves was temporary until assessments were implemented. He noted when a firmer total project cost was available, discussion of assessments per water access unit would begin in earnest, adding the goal was to establish tentative assessments prior to the assessment hearing, which would likely take place at the April 3, 2018 Council Meeting.

Councilmember Matthews **MOVED** approval of the purchase agreement and appropriation of funds as a loan from the General Fund reserves to be repaid by the project's funding mechanism, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

**Note: A short break was called at 11:17 a.m.**

**Appropriation of Funds to Proceed into Phase II of the Sewer Master Planning Project Processed as an Interlocal Agreement through Charlotte County.**

Ms. Marian Pace, Procurement Manager, stated the City previously entered into an interlocal agreement with Charlotte County for a Sewer Master Planning project with Jones Edmunds, the latter having completed the first phase. She explained staff wished to proceed to Phase II as it related to financing and funding, recommending appropriation of \$145,500 for Phase II of the project materials.

Councilmember Prafke **MOVED** approval of appropriating the funds as recommended, **SECONDED** by Councilmember Matthews.

**MOTION UNANIMOUSLY CARRIED.**

**Award of Agreement for the Purchase of Marine Grade Ready Mix Concrete for the Fabrication of Seawall Slabs to Preferred Materials of Lutz, FL**

Ms. Pace announced staff recommended the award of agreement for purchase of Marine Grade Ready Mix Concrete for the fabrication of seawall slabs to Preferred Materials of Lutz, Florida, the lowest, most responsible bidder at \$345,500 based on estimated cubic yards.

Councilmember Prafke **MOVED** to award the agreement to Preferred Materials of Lutz, FL, **SECONDED** by Councilmember Wein.

**MOTION UNANIMOUSLY CARRIED.**

**UNFINISHED BUSINESS**

**Federal Emergency Management Agency (FEMA) Coastal Risk Mapping Assessment Planning (MAP) Study Project Update.**

Mr. Randy Cole, Chief Building Official, reported the FEMA project would provide new Flood Insurance Rate Maps for the area.

Mr. Jason Green, Weiler Engineering, provided a brief update on the project status and timeline, noting open house meetings would be held in the spring when preliminary maps became available and areas of concern were identified.

Mr. Todd Helt, Geographic Information System (GIS) Analyst, offered to answer questions, noting the project was behind schedule and was being driven by FEMA.

Mr. Cole reminded Council the project was in Phase 1, the goal of which was the Flood Insurance Rate Maps, adding any negotiations with FEMA would be a separate process.

City Attorney Levin clarified preliminary observations indicated Base Flood Elevations might increase upon issuance of the new maps, which would create many non-conforming structures and impact citizens to a large extent.

**Presentation by the Punta Gorda Boaters Alliance of the "Punta Gorda Waterfront Development Master Plan 2018"**

Mr. John Welsh, Punta Gorda Boaters Alliance President, provided a detailed presentation which encompassed a philosophical description of Punta Gorda, stating the objective of the WDMP was to establish Punta Gorda as a preferred destination for visiting boaters and to support recreational boating. He spoke regarding the redesign of Ponce de Leon Park, Fishermen's Village Marina, local hotels, marinas, docking, mooring and launching locations, City-owned waterfront property, day docks and maintenance of waterways. He asserted proactive measures must be taken to manage the waterfront, the City's most valuable resource, opining additional input should be sought from the community.

Discussion ensued regarding various items including the West Mooring Field and Alligator Creek dredging.

Mr. Welsh expressed hope Council would accept the WDMP and forward same to the City's Master Plan consultant.

**Mayor Keesling** suggested the presentation be made to the various homeowners associations prior to any Council action.

**Councilmember Prafke** expressed willingness to accept the WDMP on a temporary basis as a document to be examined with the proviso meetings would be scheduled with the various homeowners associations.

Discussion ensued with regard to the timing of acceptance of the WDMP as it related to the Master Plan.

Mr. Welsh committed to reach out to the homeowners associations and Chamber of Commerce.

City Manager Kunik confirmed Mr. Welsh would lead the effort in submitting a Marine Advisory Committee (MAC) grant application for Buckley's Pass.

Mr. Welsh opined the maximum funding available would be approximately \$500,000.

**Gilchrist Park Waterfront Activity Center Draft Request for Proposal.**

Ms. LeBeau drew Councilmembers' attention to the Request for Proposal (RFP), as delineated in the agenda material, explaining \$75,000 in 1% Sales Tax funds had been earmarked for the Waterfront Activity Center (WAC). She noted this idea was developed prior to discussion of the Master Plan, asking if Council wished to include the WAC in the Master Plan or to move the project forward independently.

**Mayor Keesling** stated she had no objection to the former; however, she was concerned with the amount of detail in the RFP.

**Councilmember Cummings** opined it was worth considering this part of Gilchrist Park separately as a special skill set would be needed.

**Councilmember Matthews** opined there was overlap with the Master Plan, adding she would hesitate spending \$75,000 in light of the number of currently ongoing projects. She clarified she felt the WAC should be made a part of the Master Plan.

**Mayor Keesling** pointed out financing through 1% Sales Tax funds had already been approved, asking the City Manager to comment on same.

City Manager Kunik explained only the specific program areas identified in the 1% Sales Tax project list could be funded through same.

Discussion ensued regarding moving the WAC project forward independently or incorporating same into the Master Plan.

Councilmember Wein **MOVED** to proceed with the Request for Proposal for the Gilchrist Park Waterfront Activity Center separately from the Master Plan, **SECONDED** by Councilmember Cummings.

**VOTING AYE: Cummings, Wein.**

**VOTING NAY: Matthews, Prafke, Keesling.**

**MOTION FAILED.**

Councilmember Cummings **MOVED** to move forward concurrently with the Master Plan but with separate deliverables, the Master Plan consultant to determine if their team was able and willing to take on the Gilchrist Park Waterfront Activity Center, **SECONDED** by Councilmember Matthews.

**Councilmember Prafke** requested an addition to Section 4) of the Scope of Work, specifically Item G. Waterfront Park Facility Planning.

Consensus was approval of the addition.

**MOTION UNANIMOUSLY CARRIED.**

City Attorney Levin confirmed Council would be willing to issue the RFP separately if the Master Plan consultant opted against incorporating same into the project.

**Councilmember Matthews** confirmed Councilmembers were amenable to begin discussions with the PGBC, Bayfront Center management and surrounding property owners.

**Note: Citywide Master Plan Firm Selection was heard after Citizen Comments.**

#### **Citywide Master Plan Firm Selection**

Ms. Pace confirmed no Councilmember had been contacted by any of the firms, explaining she would gather comments via a “round robin” discussion.

**Councilmembers** then provided their remarks regarding each firm in alphabetical order: Canin Associates; Dover, Kohl & Partners; Stantec Consulting; Sweet Sparkman Architects.

**Mayor Keesling** confirmed there were no citizen comments.

Ms. Pace requested Councilmembers make any needed changes to their final scores before submitting the score sheet. She collected the score sheets and calculated the results, reading them into the record as follows: First Place - Dover, Kohl & Partners; Second Place - tied between Stantec Consulting and Sweet Sparkman Architects; Fourth Place - Canin Associates. She stated it was necessary to break the tie for second place, distributing scoring sheets for same. She announced the results as follows: Second Place - Stantec; Third Place - Sweet Sparkman Architects.

Councilmember Cummings **MOVED** to accept the final ranking, **SECONDED** by Councilmember Prafke.

**MOTION UNANIMOUSLY CARRIED.**

Ms. Pace suggested negotiating a separate scope of work with the selected Master Plan firm for the Gilchrist Park project and allow them to provide additional sub-consultants. She then inquired how negotiations would proceed.

Consensus was for staff to conduct the negotiations.

Ms. Pace inquired if City Council wished the selected firm to provide any additional information.

**Mayor Keesling** suggested the economist meet with Councilmembers.

**Councilmember Prafke** suggested inclusion of a Functional Analysis System Technique (FAST) analysis related to projects throughout the City.

City Attorney Levin advised any meeting with the economist should wait until after contract negotiations were complete.

Ms. Pace explained she would notify the selected firm and negotiate an hourly rate in order to develop a total cost for the Master Plan.

**Councilmember Matthews** confirmed staff could meet with Councilmembers to discuss the status of negotiations.

**Note: New Business was heard following Gilchrist Park Waterfront Activity Center Draft Request for Proposal.**

#### **NEW BUSINESS**

##### **Use of Drone Technology to Improve City Operations**

**Mayor Keesling** announced this item was being continued to November 7, 2018.

## RECOMMENDATION FROM CITY OFFICERS

### CITY ATTORNEY

City Attorney Levin advised he would include language in the HAM radio ordinance with regard to those organizations which were exempted from the height limitations due to an FCC pre-emption. He then announced the City's Motions to Dismiss in two cases involving Vivante were granted, which gave the Plaintiffs twenty days to amend their complaints to overcome the Court's objections.

### BOARDS AND COMMITTEES

#### **Announcement of Vacancies**

Board of Zoning Appeals (Alternate)

Punta Gorda Housing Authority

Historic Preservation Advisory Board (2)

City Clerk Smith announced the vacancies.

#### **Nominations**

Code Enforcement Board

Councilmember Prafke **NOMINATED** all interested parties.

Punta Gorda Isles Canal Advisory Committee

Councilmember Prafke **NOMINATED** all interested parties.

### POLICY AND LEGISLATION

**KEESLING:** Commented on the City's efforts in aiding victims of Hurricane Michael in northern Florida.

**PRAFKE:** Spoke regarding traffic light timing at the intersection of Monaco Drive and U.S. 41, stating it varied greatly from a number of other intersections. She requested support in her efforts with the Florida Department of Transportation (FDOT) to correct this problem.

**MATTHEWS:** Reported she spoke to an FDOT representative regarding the current closure of Olympia Avenue, stating as only one bid was received for the repair of pipes under the road, FDOT wished to allow another few days in the hope same might compel additional bidding. She further noted FDOT was not in favor of utilizing the street parking spaces as a drive lane or changing the light cycle.

### CITIZENS COMMENTS

None.

**Note:** A short break was called at 12: 42 p.m.

**City Council reconvened at 1:17 p.m. for the Citywide Master Plan Firm Selection (see above).**

The meeting was adjourned at 1:55 p.m.

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Mayor

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City Clerk