CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, OCTOBER 5, 2016, 9:00 A.M.

COUNCILMEMBERS PRESENT: Cavanaugh, Devine, Keesling, Prafke, Wein

CITY EMPLOYEES PRESENT: Sharon Knippenberg, Finance; Mark Gering, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Teri Tubbs, Mitchell Austin, Urban Design; Tom Lewis, 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.

PROCLAMATIONS/PRESENTATIONS

10 Year Service Award – C. Rhett Anderson, Firefighter/Paramedic
City Manager Kunik presented a 10 Year Service Award to Mr. C. Rhett Anderson, Fire Department.

Fire Chief Ray Briggs spoke of Mr. Anderson’s service to the Fire Department.

Introduction of Board/Committee Member Nominees
Mr. Bill Hughes introduced himself as a nominee for reappointment to the Burnt Store Isles Canal Advisory Committee.

Councilmember Wein then requested the West Henry Street discussion be moved up on the agenda.

Mayor Keesling confirmed members were in agreement, noting the CRA meeting would take place first.

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

PUBLIC HEARINGS

CP–04–16 – An Ordinance of the City of Punta Gorda, Florida, adopting the Evaluation and Appraisal Report-based Amendments including the Goals, Objectives and Policies of the City of Punta Gorda Comprehensive Plan 2040 containing the Future Land Use Element, Conservation & Coastal Management Element, Infrastructure Element, Housing Element, Recreation and Open Space Element, Community Facilities Element, Transportation Element, Public Schools Facilities Element, Intergovernmental Coordination Element, Historic Element and the Capital Improvements Element in accordance with Chapter 163.3191, Florida Statutes; and repealing text, maps, analysis and related materials of the 2025
Comprehensive Plan; providing for conflict and severability; and providing an effective date.

City Attorney Levin read the ordinance by title.
Ms. Joan LeBeau, Chief Planner, announced the City had evaluated its Comprehensive Plan in accordance with State Statute and determined amendments were necessary to reflect changes in State requirements and updates in current conditions. She explained staff had prepared an Executive Summary, as denoted within the agenda material, entering same into the record by reference. She concluded staff and the Planning Commission recommended approval of the proposed ordinance and authorized transmittal to the DEO and other reviewing agencies.

Vice Mayor Devine called three times for public comment.
Councilmember Prafke MOVED to close the public hearing, SECONDED by Councilmember Cavanaugh.

MOTION UNANIMOUSLY CARRIED.
Councilmember Cavanaugh MOVED approval of CP-04-16, SECONDED by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.
GA–09–16 – An Ordinance of the City of Punta Gorda, amending the City of Punta Gorda Firefighters' Retirement System, as adopted by Ordinance #879–87 and as subsequently amended, is hereby further amended to provide a mandatory minimum annual City contribution of 12% of covered payroll; repealing all ordinances in conflict herewith, providing for severability, and providing for an effective date.

City Attorney Levin read the ordinance by title.
City Manager Kunik explained the proposed ordinance set the minimum annual City contribution to the Firefighters’ Retirement System at 12%, adding ordinances would be brought forward for the other two Pension Plans.
Mr. Bill Albers, Firefighters' Pension Board member, offered to answer any questions.

Vice Mayor Devine called three times for public comment.
Councilmember Prafke MOVED to close the public hearing, SECONDED by Councilmember Cavanaugh.

MOTION UNANIMOUSLY CARRIED.
Councilmember Cavanaugh MOVED approval of GA-09-16, SECONDED by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.
ORDINANCE/RESOLUTION
No Public Hearing Required

Citizen Comments – Ordinances/Resolution Items Only
There were none.

A Resolution of the City Council of the City of Punta Gorda, Florida, authorizing transmittal of the proposed Evaluation and Appraisal Report–based amendments including the Goals, Objectives and Policies of the City of Punta Gorda Comprehensive Plan 2040, which are subject to State Coordinated Review Process pursuant to Section 163.3184(4), Florida Statutes, to the Florida Department of Economic Opportunity for review.
City Attorney Levin read the resolution by title.
Ms. LeBeau explained the resolution was required to transmit the Evaluation and Appraisal Report.
Councilmember Prafke MOVED approval, SECONDED by Councilmember Cavanaugh.

MOTION UNANIMOUSLY CARRIED.

GA–10–16 – An Ordinance of the City of Punta Gorda, Florida, amending Punta Gorda Code, Chapter 7, “Building Regulations”, Article II, “Building Contractors”, Section 7–12, “Application and Fees for a Certificate of Competency”, to clarify that State certified contractors are not required to pay a registration fee for a Certificate of Competency and to repeal the optional file maintenance fee for Building Division maintenance of a contractor's workers’ compensation and general liability insurance information; providing for a refund of all file maintenance fees collected on or after July 1, 2016; providing for conflict and severability and providing an effective date. 
City Attorney Levin read the ordinance by title.
Councilmember Prafke MOVED approval of GA-10-16, SECONDED by Councilmember Cavanaugh.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items
There were none.
City Manager Kunik stated Mayor Keesling expressed her appreciation to the Charlotte County Chamber of Commerce relative to Item E1.
Councilmember Prafke MOVED approval of the Consent Agenda, SECONDED by Councilmember Cavanaugh.

MOTION UNANIMOUSLY CARRIED.
B. City Clerk's Department
1. Approval of Minutes: Regular Meeting of September 21, 2016.
C. City Manager's Department
1. A Resolution of the City of Punta Gorda, Florida, approving and ratifying a Memorandum of Understanding and Consent Agreement between the City and Southwest Florida Chapter – Florida Police Benevolent Association (PBA); authorizing the City Manager to execute and the City Clerk to ratify the agreement; and providing an effective date.
D. Legal Department
E. Finance Department
1. Award of a Lease Agreement for the A. C. Freeman House to the Charlotte County Chamber of Commerce.
F. Urban Design Division
1. Charlotte Harbor National Estuary Program (CHNEP) Letter of Intent to apply for the Enhancing Coastal Community Resilience and Well-being in the Gulf of Mexico Region Grant.
G. Police Department
1. Disbursement Request - Law Enforcement Trust Fund.

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

Ms. Callie Stahl, Peace River Wildlife Center (PRWC) Executive Director, thanked the City for allowing the PRWC to remain in Ponce de Leon Park. She advised the PRWC would accept whatever footprint decided upon by City Council. She expressed appreciation to Mr. Joe Boff for his patience over the past three years. She then announced the PRWC was formally donating the services of Mr. Jim Herston, engineer, to redesign Ponce de Leon Park concurrently with the PRWC, which would save over $120,000.

Ms. Waksler commented on the redesign of Ponce de Leon Park, stating she represented Grand Harbor Development (GHD), the owner of the property on which the PRWC was currently located. She noted GHD would not find itself in its current position if it had not graciously allowed the PRWC to remain on their property for the past ten years. She explained two possible locations for the PRWC existed in Ponce de Leon Park, noting staff was recommending Option A, which would slightly shift the PRWC's current location west, immediately adjacent to GHD's property. She stated it did not appear any consideration was given to the impact of same to GHD as it effectively eliminated the intended use of that property as it would create a wall, closing in the
view from same. She continued odors, noise and perhaps pests associated with the PRWC's operation would negative impact the value of the nearby condominiums. She summarized in order to preserve the value of its property, GHD would initiate legal action if Option A was selected, strongly urging the City to locate the PRWC according to Option B.

Ms. Nancy Johnson, TEAM Punta Gorda (TPG) Chief Executive Officer, stated the return of Punta Gorda's northern residents would increase bicycle traffic, urging Council to commit to long range thinking about this issue. She acknowledged the limitations imposed by the City's budget; however, public safety must be considered. She commended the Urban Design Division, particularly Mr. Mitchell Austin, Urban Design Planner, for his depth of knowledge and what appeared to be endless effort on this matter. She then announced TPG and the Police Department were embarking on a serious public education campaign relative to motorists, pedestrians and bicyclists.

Ms. Lynne Matthews urged Council to move forward on the redesign of Ponce de Leon Park, particularly the relocation of the PRWC within same. She expressed support to Mr. Herston of Herston Engineering Services Inc. for volunteering his service.

Mr. Alan Glassman asked Council to move quickly on the Ponce de Leon Park/PRWC project.

Mr. Herston provided a brief review of his 32 years of engineering experience, disclosing he was an elected official on the Charlotte County Airport Authority. He stated his goal with regard to the PRWC was simply to help, adding he guaranteed all possible vegetation would be saved in accordance with State regulations. He explained his donation of service included that which was necessary to assist the City in realizing their desired park space.

Mr. John Lockhart, CPH, clarified the firm was very willing to working with the PRWC on relocation within Ponce de Leon Park. He noted input from Mr. Herston was needed to ensure redevelopment of the entire site. He advised CPH's contract included a full survey, environmental studies, architectural services and full permitting.

Mr. Don Helt stated he resided on Park Beach Circle, expressing concern with regard to the effect of the proposed bicycle infrastructure on the Marion Avenue right-of-way in front of his home. He asserted traffic was extremely heavy, adding a reduction from four to three lanes would only exacerbate the problem.

Mr. Bob Peterson commented he was happy the PRWC would remain in Punta Gorda, stating he looked forward to returning with his grandson.

**BUDGET**
Florida Recreation Development Assistance Program (FRDAP) Grant Funding for FY 2017–2018.

Mr. Austin stated the FRDAP program provided matching grants to local governmental entities for land acquisition, land development and trail construction, adding the current cycle required applications by October 28, 2016. He noted any award was contingent upon annual appropriation by the Florida Legislature. He advised staff recommended submission of a grant application for either of the following: (1) placement of a restroom facility at the Shreve Street Multi Use Recreational Trail (MURT) trailhead - project cost of $150,000 (grant $112,500, match $37,500); (2) rehabilitation of Nature Park trail, construction of restrooms and pavilion - project cost of $400,000 (grant $200,000, match $200,000).

**Councilmember Prafke** clarified the cited costs were feasible.

Mr. Austin concurred, explaining neither location was in a velocity zone.

City Manager Kunik expressed **Mayor Keesling's** recommendation for the MURT trailhead location.

Consensus was to authorize submittal of a grant application for the MURT trailhead restroom facility.

**UNFINISHED BUSINESS**

Reconsideration of the Sale and Development of the West Henry Street Property.

**Mayor Keesling** announced a short presentation was submitted, confirming there were no objections to hearing same prior to public comment.

City Attorney Levin interjected Council had voted on this item at their previous meeting; thus, a motion from the prevailing side was needed to reconsider

Councilmember Wein **MOVED** to re-open the West Henry Street discussion, **SECONDED** by Councilmember Devine.

**VOTING AYE:** Cavanaugh, Devine, Wein, Keesling.

**VOTING NAY:** Prafke.

**MOTION CARRIED.**

Mr. Anthony Farhat, PGI Homes, displayed a PowerPoint Presentation, as delineated in the agenda material, briefly reviewing the background of the proposed developer and funding partner, White/Peterman Properties, Inc., and PGI Homes. He displayed a photograph of the subject property prior to the impact of Hurricane Charley in August 2004, stating same was the site of the former Utilities and Public Works Departments, almost a pseudo-industrial use. He confirmed there were no plans to eliminate or even relocate the existing dog park but rather same had been considered merely as a possibility. He commented on the benefits to the City derived through the proposed development.
project, citing an increased tax base as an example. He thanked Council for their consideration and time.

Councilmember Wein explained he had reconsidered his earlier decision as he had left the previous meeting with a number of unanswered questions such as park space standards and developed property/population ratios. He pointed out no parks existed in the southern portion of the City, such as in Burnt Store Meadows (BSM), Burnt Store Isles (BSI) and Seminole Lakes. He clarified he was fully aware of the significance of eliminating potential park land; however, the proposed development was a low impact project. He mentioned he would not be in favor of relocating the dog park.

Councilmember Devine commented favorably on the proposal, noting residents were passionate about this issue. She reported she had received many emails from members of District 1 who were in favor of the project.

Councilmember Cavanaugh stated the previous discussion related more to the maintenance of green space for future use as opposed to use as a park. He pointed out the City's population was projected to increase by 50% by 2040, adding all that he had read on urban planning spoke to the importance of maintaining green space. He summarized his position had not changed in that he felt the property should be preserved for future use.

Councilmember Prafke stated there were many areas in the community where density could be increased, adding she also did not view this site as a park but rather as a location which would serve future, currently unknown needs.

Mayor Keesling stated she felt the proposed project represented the best use for the land. She pointed out Council had never discussed their stance on green space, adding perhaps that discussion needed to take place. She asked if green space was cited in the Strategic Plan.

City Manager Kunik replied in the negative; however, the Strategic Plan addressed seeking proposals for sale and development of the West Henry Street site. Mayor Keesling asked City Manager Kunik to speak regarding the property being on the market and why no offers were received.

City Manager Kunik provided a brief history of the property, noting a previous City Council had decided against selling the property; however, a later decision was made to include the sale and development of the property in the Strategic Plan. He mentioned the current proposal was much less dense than what was allowed by the current zoning designation of Neighborhood Center (NC), which provided for a mixed-use of residential and commercial.
Councilmember Cavanaugh acknowledged rooftops were necessary for commercial development; however, there were a number of neighborhoods being constructed at this time.

Councilmember Wein spoke of the importance of a discussion of green space by Council. He emphasized the City's lopsidedness with regard to the current locations of green space.

Councilmember Prafke recalled the City had offered green space but was turned down by BSM residents, adding she had met with similar opposition in BSI. She opined the situation would be dramatically different a year from now.

Councilmember Devine argued the location on West Henry Street represented a completely different lifestyle due to its close proximity to walking/bicycle trails and downtown. She clarified some residents did not wish to live on the water.

Mayor Keesling then read the procedure for public comments into the record.

Mr. Bradford Gamblin expressed disappointment regarding how little he had heard about the importance of residents' input. He opined City Council's credibility had diminished somewhat by reconsidering this issue. He noted a number of new homes were being constructed, and hundreds of areas were available for development in Punta Gorda. He opined it would be appropriate to allow residents to participate in the development of this and other areas, even if same included funding.

Mr. Gary Skillicorn suggested a single response to the RFP raised a red flag, adding perhaps it could be re-issued, allowing for a longer timeframe for response. He clarified he was not in favor of development of the property at this time.

Mr. David Schall stated he was a frequent user of the dog park and was pleased to see the developer’s offer of upgrades to the park. He opined 54 houses on 10 acres was too great a density. He suggested setting aside five acres for green space in the event the property was developed.

Ms. Mona Vieregg spoke against the developer's proposal based on increased traffic, proposed home prices and unknown future needs.

Mr. Gerald Archambeau stated he was not in favor of the proposed density, adding improvements to West Henry Street might be necessary, including turn lanes. He questioned the rush to sell this property.

Mr. Thomas Lengauer voiced concern in that future needs were unknown.

Ms. Julie McGillivray displayed the sample home depicted in the developer’s presentation, asserting same was not drawn to scale. She then displayed conceptual drawings of a band shell, fountain and other amenities, proposing same as possibilities for the site.
Ms. Sheri Lenora stated she was not anti-growth nor did she feel there was a shortage of rooftops. She urged Council to keep this property open for future use, citing a senior center as one possibility.

**Note:** Mayor Keesling passed the gavel to Vice Mayor Devine and left the meeting at 10:10 a.m.

**Note:** A short recess was called at 10:10 a.m.

Ms. Julie Moriaty opined most of the lots were insufficient in size for the proposed upscale homes. She continued she also did not believe the proposed home price of approximately $400,000 was realistic, particularly due to the sewage odor emanating from the Master Pumping Facility (MPF) located on site.

Ms. Geri Waksler, White/Peterman and PGI Homes attorney, briefly reviewed the benefits of this development as follows: lower density and more compatibility with nearby homes; construction to likely be done in conjunction with the new Punta Gorda Library; increased tax revenues for the City. She pointed out the City already struggled to find the budget to maintain the property it currently owned, adding the Long Range Plan contained nothing for new parks. She noted there had been no discussion of the cost to maintain the property as open space. She concluded she would support a continuance in order to allow all Councilmembers the opportunity to vote.

Mr. Randy Fassett spoke in favor of the proposed development, particularly in light of the reduced density. He expressed confusion in that the City had issued an RFP but then voted against development. He urged Council to move forward based on the concept presented by the developer.

Mr. Tom Thornberry spoke in favor of the proposed project, stating he supported a continuance to allow all Councilmembers to decide.

Mr. Tom Hamilton commented he had initially been opposed to this development, pointing out same would generate revenue as opposed to a park which would generate expenses. He recommended the funds realized from the property's sale be used toward the Alligator Creek cut-through.

Ms. Karen Turnbull acknowledged there was not a significant number of children residing in PGI; however, there were many pets, adding a dog park located near the City's current population would meet the needs of many. She then stated traffic entering and exiting PGI on Marion Avenue and Aqui Esta Drive was extremely heavy, adding this project would only aggravate an unsafe situation.

Mr. T. J. Thornberry commented favorably on the developer's proposal, stating he also was surprised it had not been approved at the previous Council meeting. He
contended this project was perfectly suited to those attracted to the downtown lifestyle.

Mr. Mark Hazel opined the development would attract more of the same type of resident rather than young professionals, which would result in the homes sitting empty for a good part of the year, thus not benefitting the businesses downtown.

Mr. Kevin Graham asserted more rooftops were needed to support the businesses downtown, stating the current lack of same was the cause of empty commercial spaces.

Mr. Maureen Groff stated she did not believe the property was worth developing due to the MPF and close proximity of the the dog park. She noted there were many other properties available for development, including on the east side of town.

Mr. Robin Adair asserted the developer wished to move forward solely for profit. He urged Council to keep the property in its current condition.

Mr. Matt Uebelacker noted the City's RFP called for 15 units per acre, and the developer responded with a proposal of 5 units per acre but was accused of proposing "too many" homes. He contended there was a sufficient number of parks existing in the City. He opined this project was important for the downtown, adding this developer constructed beautiful homes.

Ms. Darcy Hall spoke in favor of keeping the property under the City's ownership.

Mr. Scott Eason urged Council to preserve the property as a public greenspace.

Mr. Jeff Barlow opined 54 rooftops would not make a difference to the downtown, adding there was a great deal of private property available where similar projects could be sited.

Ms. Lisa Neff spoke in favor of the project, stating she believed it represented an excellent use of the land. She noted it would be in keeping with the uses on two sides

Mr. Steve Fabian urged Council to move forward. He noted someone had indicated the majority were in favor of maintaining the property as greenspace, adding a petition had been submitted with 160 signatures; however, there were over 13,000 taxpayers in the City, and 160 was not a mandate.

Mr. Loren Ben voiced approval of the development, stating he believed in growth.

Ms. Susan Diaspur stated as a realtor, she spoke to numerous people who wished to live near Punta Gorda's downtown. She commented on the many improvements made to the downtown area, suggesting this site would be an excellent location for such residents.

Ms. Sue Carmen stated she was opposed to the project as she felt the property should be saved for future use.
**Vice Mayor Devine** confirmed there was no additional public comment. City Attorney Levin advised Council could reconsider their previous vote or continue the discussion to the next City Council meeting.

**Councilmember Wein** spoke in favor of a continuance.

**Councilmember Prafke** questioned the outcome this date if two Councilmembers were in favor of a continuance and two were opposed.

City Attorney Levin stated a motion was not required but rather a consensus, noting Mayor Keesling expressed her wish for a continuance to allow her to participate in the vote.

**Vice Mayor Devine** stated her preference was to continue.

**Councilmember Prafke** commented she did not feel a need to continue the discussion, acknowledging three Councilmembers were in favor of doing so.

**Councilmember Cavanaugh** stated he would support a continuance, albeit with reluctance.

**Vice Mayor Devine** confirmed the discussion would be continued to October 19, 2016.

*Note: A short recess was called at 10:57 a.m.*

*Note: Award of Engineering Services for the Redesign of Ponce de Leon Park was heard following Budget.*

**Award of Engineering Services for the Redesign of Ponce de Leon Park.**

Mr. Austin described existing conditions and uses of Ponce de Leon Park such as education, boating and recreation, stating redesign objectives included relocation of the PRWC, maximization of parking and recreation and improvements to the restrooms, pavilion/barbeque pit and pedestrian/bicycle connectivity. He listed a number of concerns and constraints particular to the site such as space, aesthetics, utilities, location in a flood zone, safety, Americans with Disabilities Act (ADA) compliance, budget and wildlife. He displayed an aerial view of the subject location, pointing out locations of the AE and VE zones. He stated locating the PRWC in the AE zone would allow for more conventional construction, thus reducing expenses; however, there would be no private edge for the PRWC, a reduced view-shed and reduced design flexibility. He continued a location in the VE zone would allow for a private edge for the PRWC, preservation of the view-shed and design flexibility; however, construction costs would increase. He summarized both staff and the PRWC recommended locating the latter in the VE zone.

City Manager Kunik stated staff was seeking Council direction relative to location of the PRWC. He explained staff’s recommendation was based on realizing the most flexibility for redesign of the remainder of Ponce de Leon Park, which served the entire
community. He then stated Council direction was also being sought relative to selection of either CPH, the top ranked firm, at a cost of approximately $123,000, or Herston Engineering Services at no cost. He explained Mr. Herston's offer assumed the City could assist with landscaping design, use of the existing boundary survey and a restroom prototype design. He mentioned either firm would be asked to preserve as much of the existing canopy as possible.

**Vice Mayor Devine** stated she wished to maintain the site similar to a nature park but with certain upgrades. She expressed uncertainty with regard to the possibility of accommodating the adjacent property owner as the alternative location likely had insufficient space.

**Councilmember Prafke** commented favorably on staff's recommendation for location of the PRWC in the VE zone as same provided the most overall flexibility.

**Councilmember Wein** complimented staff on their efforts. He opined Council had an obligation to maintain the property for the community.

**Councilmember Cavanaugh** voiced agreement with Councilmembers' comments.

Councilmember Prafke **MOVED** approval of staff's recommendation to locate the Peace River Wildlife Center in the VE zone, **SECONDED** by Councilmember Cavanaugh.

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Prafke **MOVED** to retain the canopy as much as possible, **SECONDED** by Councilmember Cavanaugh.

City Manager Kunik advised **Mayor Keesling** supported retaining as much mature, healthy foliage as possible.

**MOTION UNANIMOUSLY CARRIED.**

City Manager Kunik expressed concern with regard to the risk associated with choosing to work with a volunteer as opposed to a paid engineer, acknowledging the City had worked successfully with volunteers in the past and continued to do so. He asked Mr. Herston who he would be working for if his firm was selected.

Mr. Herston replied he would work under the direction of City staff and the citizens of Punta Gorda, stating he was amenable to as many meetings with staff as well as the public as desired. He noted if the City needed an expert witness in terms of a lawsuit, he was well qualified in terms of land development and storm water regulation, opining a verbal contract could constitute a valid contract. He stated with respect to the flood zone, he was a registered professional with the Federal Emergency Management Agency (FEMA) and thus qualified to determine whether or not the proposed site was an AE or VE flood zone.
Vice Mayor Devine commented she had worked with Mr. Herston, asserting he was a man of his word.  

Councilmember Cavanaugh thanked Mr. Herston for his offer, stating his representation of both the City and the PRWC would ensure smooth coordination.  

Councilmember Prafke agreed Mr. Herston had an extraordinary reputation, adding she also had much respect for CPH; however, this was an unfunded project.  

Councilmember Wein stated he was not personally acquainted with Mr. Herston; however, his offer was very generous. He also acknowledged the excellent reputation of CPH. He concluded he did not envision any conflict or reason why the City should not accept Mr. Herston's offer.  

City Manager Kunik stated Mayor Keesling was in favor of exploring volunteer services provided Council received 60% design development drawings by the end of March 2017 in time for a presentation at the first Council meeting in April 2017.  

Mr. Herston stated he guaranteed his performance.  

City Attorney Levin inquired if there were any insurance provisions or requirements in the proposed agreement with CPH which would be applicable to Mr. Herston.  

Ms. Marian Pace, Procurement Manager, replied affirmatively, providing a brief review of same.  

City Attorney Levin inquired whether Mr. Herston was amenable to those insurance requirements.  

Mr. Herston replied affirmatively, expressing agreement with all City requirements.  

Councilmember Cavanaugh MOVED to approve Herston Engineering’s donation of services, SECONDED by Councilmember Prafke.  

MOTION UNANIMOUSLY CARRIED.  

City Attorney Levin confirmed City Council was amenable to staff developing a professional agreement letter with Mr. Herston, including the terms agreed to this date.  

Councilmember Prafke requested a letter of thanks be issued to CPH.  

Review of Construction Costs for Restrooms Adjacent to the Playground in Gilchrist Park.  

Mr. Austin displayed a conceptual plan of the playground area, stating Council previously appropriated funding for the design and construction of the Gilchrist Park restroom facility adjacent to the playground. He reported initial bids were high, the lowest bid being $244,411.94 over budget. He noted a value engineering exercise was conducted in an effort to reduce costs, adding bidders were also asked to provide comments to justify the cost.
City Attorney Levin noted pilings were clearly a velocity zone construction requirement; however, the conceptual drawing appeared to depict an A zone structure, asking if same was required to be elevated.

Mr. Austin replied the building was being constructed as a water dependent facility at grade; however, the building itself must still withstand anticipated wave loads.

City Attorney Levin inquired if FEMA could determine it was not a habitable structure and thus not be required to meet associated standards.

Mr. Mike Giardullo, project engineer, explained the building must be constructed as described by Mr. Austin in order to prevent the roof or building pieces from being torn off.

City Attorney Levin acknowledged the concern for secondary impacts, asking if the pilings were driven for anchoring purposes only.

Mr. Giardullo replied the pilings provide uplift and buoyancy and withstood wave action. He noted the pilings also prevented erosion of the soil beneath the building.

City Attorney Levin stated he understood same was a voluntary design.

Mr. Giardullo countered it was a Building Code requirement.

City Manager Kunik asked if any savings would be realized if located in an A zone as opposed to a V zone.

Mr. Giardullo replied FEMA could not be convinced to lower the standard of a building located in a V zone; however, if relocated to an A zone, a decrease in necessary construction would be allowed.

Vice Mayor Devine inquired if an A zone designation was possible.

Mr. Giardullo replied he believed so.

Discussion ensued with regard to V zone construction requirements.

Mr. Randy Cole, Chief Building Official, reported in 2006, in anticipation of the replacement of the Gilchrist Park restrooms, City Council approved a variance for a lower elevation. He stated he felt a Letter of Map Revision (LOMR) from FEMA would prove beneficial, acknowledging same would impose somewhat of a delay. He explained a LOMR would also make development of the Bayfront Center area easier in the future.

Councilmember Cavanaugh asked if separate ADA facilities were required in each restroom.

Mr. Giardullo replied affirmatively based on current park design.
Councilmember Cavanaugh inquired as to the reason for using a pipe chase, noting same was somewhat uncommon.

Mr. Giardullo agreed there were other alternatives; however, the Facilities Maintenance Division staff preferred a pipe chase, noting one was in place at Laishley Park.

Mr. Austin then continued his presentation, providing a detailed review of a line item list of potential savings, as delineated in the agenda material.

Councilmember Prafke commented Gilchrist Park was a showcase on which considerable resources were being expended over the course of several years, stating she felt a funding source must be identified to achieve the very best result.

Councilmember Wein opined cutting back on aesthetics was unwise due to the location of Gilchrist Park. He acknowledged the disruption to the neighborhood from driven pilings as opposed to augured casts; however, this building would likely be used for more than 50 years.

Vice Mayor Devine clarified the project would be re-bid.

Councilmember Cavanaugh stated he also did not wish to compromise on aesthetics. He clarified he was not opposed to a few of the non-aesthetic cost saving measures. He questioned the possibility of the City assuming the role of construction manager and bidding the project out in different phases.

Mr. Giardullo replied doing so would certainly result in cost savings; however, he expressed uncertainty as to whether the City had the necessary staff.

Councilmember Cavanaugh clarified a performance bond had been required as part of the bid package, asking if bidding the project in phases would eliminate that need which in turn could reduce costs.

City Manager Kunik read Mayor Keesling’s comments into the record, stating she indicated the review did not adequately address the engineer's estimate of cost. He continued the Mayor had also commented on the City's substantial investment in the engineering of Gilchrist Park, including the restroom facilities, which was of concern in the future. He commented on the possibility of bidding both restrooms together, which might result in reduced costs; however, a response from the State regarding same was needed before any action could be taken.

Vice Mayor Devine questioned the feasibility of starting construction of the playground prior to the restrooms.

Mr. Giardullo mentioned the initial timeline provided for same.

Ms. Pace interjected the State was determining whether the project needed to be re-bid, adding if so, the State would advise if the timeline would be extended. She explained if the restroom was re-bid and subsequent bids were too high to award, that
part would be separated from the grant. She advised a second add alternative could be done to include the rough-in for the footprint of the restroom, which would keep same participating; however, construction could not commence until the grant work was complete.

City Manager Kunik concluded staff would seek answers to the questions posed this date and report back to Council.

**Revised Bicycle Presentation – Conservative Proposals.**

Mr. Austin provided a presentation of proposed bicycle capital improvements, as delineated in the agenda material, stating same was based on public concerns expressed at the June 9, 2016 workshop. He provided a brief review of the initial objective of establishment of a minimum grid, comparing same to the 2030 vision. He stated the public had expressed concern regarding cost, parking, traffic and safety but was interested in pursuing the project. He explained staff was proposing pilot projects, which encompassed bicycle infrastructure, cost effectiveness and minimization of any impacts while still creating connections. He stated the development process would start with evaluation, followed by production of conceptual designs, a public meeting and presentation to City Council. He described the following pilot projects in detail: Project 1, Nesbit Street; Project 2, Elizabeth Street; Project 3, Berry Street; Project 4, West Olympia Avenue.

City Manager Kunik asked if Council objected to any of the proposed pilot projects. He reported **Mayor Keesling** objected to the elimination of any parking on Nesbit Street, she was not in favor of any lane closures on Elizabeth Street, she wished to learn more about cost and implications for vehicular traffic on Berry Street, and she had no objection to the West Olympia Avenue project provided residents had either a driveway or a designated place to park, assuming the bicycle lane was traveling one-way with the flow of traffic.

Discussion ensued with a consensus to move forward with the pilot projects.

**BOARDS AND COMMITTEES**

**Announcement of Vacancies**

Burnt Store Isles Canal Advisory Committee (2)

City Clerk Smith announced the vacancies.

**Nominations**

Punta Gorda Isles Canal Advisory Committee

Councilmember Prafke **NOMINATED** all interested parties.
Burnt Store Isles Canal Advisory Committee
Councilmember Prafke MOVED to nominate and appoint Mr. Michael McIntosh, SECONDED by Councilmember Cavanaugh.
MOTION UNANIMOUSLY CARRIED.

Appointments
Police Officers' Pension Board
Councilmember Prafke MOVED to confirm the appointment of Mr. Samuel Samuel Kiburz as the Police Officers' Pension Board’s 5th member, member, SECONDED by Councilmember Cavanaugh.
MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

DEVINE: Stated she attended the "reveal" for Charlotte County's new branding, noting their tag line was "Our Best Side, is the Outside."
- Reminded Councilmembers of the botanical gardens being established on Riverside Drive, stating she would serve as President of that board once her term as a Councilmember ended.
CAVANAUGH: Questioned whether City Council should consider curtailing or eliminating its association with Wells Fargo Bank in light of the recent defrauding allegations.
City Manager Kunik responded staff was preparing a bid package for banking services, stating the criteria within the bid package would be tailored appropriately.

ADJOURNMENT

The meeting was adjourned at 1:01 p.m.

Mayor

City Clerk