

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, DECEMBER 19, 2018, 9:00 A.M.**

COUNCILMEMBERS PRESENT: Carey, Cummings, 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 Prafke 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

PGI Neighborhood Marine Watch Day

Councilmember Wein presented the proclamation, which was accepted by Mr. Bill Guenther.

Introduction of Board/Committee Member Nominees

None.

PUBLIC HEARINGS

Quasi-Judicial Public Hearings

City Clerk Karen Smith swore in all participants.

V-04-18 – Request by Andrey Nikitin, property owner, for a variance to the Land Development Regulations pursuant to Chapter 26, Section 26-16.10 and Section 26-17.6, Punta Gorda Code, to allow a new single-family residence to be constructed in a General Single-family zoning district (GS-3.5) on a non-conforming lot of record containing 9,042 square feet instead of 9,600 square feet as required per Chapter 26, Section 26-3.4(g)(1), Punta Gorda Code; and to allow construction of a new swimming pool, deck and screen enclosure with 15 foot rear yard setbacks at the closest points instead of 20 feet as is required per Chapter 26, Section 26-3.13(d), Punta Gorda Code.

City Attorney Levin read the request by title.

Ms. Lisa Hannon, Zoning Official, displayed an overhead of the subject property, as delineated in the agenda material, pointing out the proposed construction would encroach into the required setback. She entered the staff report, as denoted in the agenda material, into the record by reference, reviewing same in detail. She concluded staff recommended approval of the requested variance due to the lot's size and

medical documentation of the applicant's medical need for water therapy, while the Board of Zoning Appeals recommended denial of V-04-18.

Councilmember Matthews confirmed no Americans with Disabilities Act (ADA) requirements existed relative to the rear of the pool deck, asking if the site plan could be amended to the point where the pool would fall within 17 or 18 feet of the seawall. Ms. Hannon expressed uncertainty, basing same on her lack of an engineering background.

Councilmember Wein confirmed there had been no feedback from surrounding property owners. He noted Council had granted similar requests for other properties, adding he had no objections to this request provided there were no structural issues. City Attorney Levin advised each variance application must be considered on its own merits.

Mayor Prafke commented the proposal was for a lap pool which seemed larger than necessary.

Ms. Dee Porter, applicant's representative, explained Mr. Andrey Nikitin, applicant, swam with a two-foot wide "mono-fin" due to injuries to his legs as well as his brain; thus, a narrower pool would allow insufficient space for him to turn. She maintained a pool of any width at the subject property would require a variance.

Mayor Prafke noted the agenda material contained statements from a Russian physician, asking if a local doctor had been consulted.

Ms. Porter replied Mr. Nikitin had not seen a local doctor as he returned to Russia every six months.

Councilmember Matthews voiced concern with the negative impact to the seawall, confirming the seawall was original but in good condition.

Councilmember Cummings opined the reason behind the request was based on the applicant's health and quality of life to which he was entitled.

Ms. Porter interjected the applicant was willing to reinforce the seawall.

City Attorney Levin opined same was not a viable option. He advised a variance request must be for the minimum necessary to allow for reasonable use of the property, asking if that was the case in this situation. He stated Council could question the applicant regarding same and should focus on that issue.

Mayor Prafke noted the applicant had purchased the subject property while in his current condition, suggesting he should have confirmed the site could accommodate his needs.

Mr. Nikitin described his injuries and his current medical condition resulting from an accident, stating he purchased the property as he loved the community.

Discussion ensued with regard to the proposed construction specifications.

Councilmember Wein commented he would be more comfortable if an opinion from a local doctor was available or perhaps from a local physician who could translate the diagnosis.

Ms. Porter opined same was not impossible.

City Attorney Levin spoke at length regarding the requirement to grant reasonable accommodations to people with disabilities in these types of situations, asking if the applicant would agree to a continuance to allow him time to obtain a statement from a medical provider which contained the necessary ADA language. He explained doing so would provide City Council more opportunity to fit this request to the variance criteria outlined in City Code.

Mayor Profke confirmed the applicant was willing to obtain documentation from an American physician attesting to the need for a therapy pool.

City Attorney Levin clarified the documentation should be provided by an American doctor after reviewing the report from the applicant's Russian doctor and who was familiar with ADA requirements.

Mayor Profke interjected 12 feet seemed beyond reasonable, reiterating construction should be the minimum necessary to meet ADA requirements. She inquired if the additional documentation should also be reviewed by the BZA.

City Attorney Levin replied affirmatively.

Discussion ensued with regard to possible timeframes.

Mayor Profke called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Cummings **MOVED** to continue V-04-18 to the February 26, 2019 BZA meeting for reconsideration and the March 20, 2019 City Council meeting, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Councilmember Matthews **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 December 5, 2018
- C. Legal Department
 - 1. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered through December 12, 2018
 - 2. Invoice of Persson & Cohen, P.A. for services rendered in November 2018
- D. Utilities Department
 - 1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the First Amendment to Interlocal Agreement for Phase 1 Regional Interconnect between the Peace River Manasota Regional Water Supply Authority and the City of Punta Gorda; authorizing the Mayor to execute the agreement; and providing an effective date

Citizen Comments – Regular Agenda Items Only

None.

BUDGET

Award of Agreement to Community Asphalt Corp of Miami, FL (branch in Ft Myers, FL) for Road Resurfacing Services

Ms. Anne Heinen, Senior Purchasing Agent, reported out of five responses, staff recommended award of the agreement to Community Asphalt Corp of Miami, FL, the lowest most responsive and responsible bidder. She advised \$740,000 was budgeted for road resurfacing in Fiscal Year (FY) 2019 based on a term of 3 years.

Councilmember Matthews inquired how this contract compared to the previous contract price.

Ms. Marian Pace, Procurement Division Manager, replied prices were lower than those for the current contractor.

Councilmember Cummings **MOVED** approval of the award of the agreement to Community Asphalt Corp of Miami, FL, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Award of Amendment #1 – Gilchrist Waterfront Activity Center Planning in Accordance with the Master Agreement #U2017104 with Dover Kohl & Partners

Ms. Pace stated City Council previously awarded a Master Agreement for City-wide Master Planning Services to Dover Kohl & Partners, noting this item was for the award of Amendment #1 for the Gilchrist Waterfront Activity Center. She announced a total not to exceed price of \$48,045 and a completion timeframe of approximately August 2019, recommending approval.

Councilmember Matthews **MOVED** approval of the award of Amendment #1 to Dover Kohl & Partners, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

Award of Agreement to Avant Construction, Inc. of Punta Gorda, FL, for Construction of the Harborwalk Area 1 Restroom

Ms. Heinen announced staff recommended award of this agreement to Avant Construction Inc. of Punta Gorda, FL, the lowest most responsive and responsible bidder, for construction of the Harborwalk Area 1 Restroom project. She reported a total project cost of \$415,232.22, noting same was broken out in Council's agenda material. She advised the project timeline was 180 days after issuance of a Notice to Proceed.

Councilmember Matthews **MOVED** approval of award of the agreement to Avant Construction, Inc. of Punta Gorda, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

Award of Master Agreement and Specific Authorizations #1 through #3 for ADA Consulting Services to ADA Architecture LLC of Fort Myers, FL

Ms. Heinen announced staff recommended award of the Master Agreement and Specific Authorizations #1 through #3 for ADA consulting services to ADA Architecture LLC of Fort Myers, FL, the lowest responsive and responsible bidder, for new projects as well as projects identified in the ADA Transition Plan. She advised the Master Agreement would be for a five year term and an optional renewal period, announcing a total project cost of \$70,885. She reviewed Specific Authorizations #1 through #3 as follows: City-wide facility signage; renovation/ADA compliance of the City Hall first floor restrooms; on-call ADA consulting services as required by City staff.

Councilmember Matthews **MOVED** approval of award of the Master Agreement and Specific Authorizations #1 through #3 to Avant Construction, Inc. of Punta Gorda, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Budget Re-appropriations from FY 2018 to FY 2019 and Appropriations for FY 2019

Ms. Kristin Simeone, Finance Director, reviewed the Schedules of Requests for Re-appropriations from FY 2018 to FY 2019, the Schedule of Requests for Appropriation for FY 2019 and Department justifications, as delineated in the agenda material, requesting Council's approval of same.

Councilmember Matthews **MOVED** approval of the proposed budget re-appropriations and appropriations as presented by staff, **SECONDED** by Councilmember Carey.

MOTION UNANIMOUSLY CARRIED.

Progress Report on Capital Improvement Projects

Ms. Simeone presented Council with the annual comprehensive status reports of the City's Capital Improvement Projects (CIP), including highlights of progress to date, funding and completion timelines as follows: Harborwalk West (restrooms, Area 1 enhancements, Areas 2a and 2b, Area 3); Waterfront Activity Center; City Park projects; ADA improvement projects; Alligator Creek - U.S. 41 Northbound Pedestrian Bridge; U.S. 41 at Carmalita Street Extension; Complete Streets projects; Shreve Street trail head; Harborwalk-U.S. 41 Bridge approach lighting; Taylor Street re-bricking; sidewalk improvements; overall drainage and swale drainage improvements; storm sewer reconstruction; National Pollutant Discharge Elimination System; bridge repair; Harborwalk-Park wooden pathways and pier pilings; Buckley's Pass; Historic District initiatives; Cooper Street Recreation Center roof; Engineering room renovation; security enhancements; fire equipment replacement; police fleet purchases; fleet replacements; City-wide radio communications upgrade; Advanced Metering Infrastructure; Water Treatment Plant Generator; Groundwater Reverse Osmosis Water Treatment Plant; Jones Loop force main; Information Technology infrastructure.

Note: A short break was called at 10:44 a.m.

UNFINISHED BUSINESS

Punta Gorda: Journey to the Future Conference

Ms. Melissa Reichert, Communications Manager, and Ms. Nancy Johnson, TEAM Punta Gorda Chief Executive Officer, provided an update regarding the upcoming January 7, 2019, Journey to the Future Conference, the purpose of which was to provide information relative to best practices in urban planning from similar small towns and to highlight other municipalities which had been successful in their planning efforts. She stated the sessions would be videotaped and shared on the City's website to allow widespread access.

NEW BUSINESS

Transportation Buildout Study - Presentation by Kimley Horn & Associates

Mr. William Roll, Kimley Horn & Associates (Kimley Horn), presented the firm's findings from the Transportation Buildout Study, including examination of existing conditions such as crash data, stakeholder interviews, area specific population and employment projections to 2040, traffic modeling and analysis for 2040, context classification maps and identification of key action items such as major roadway improvements. He

concluded with an overview of the recommended key action items and descriptions of the main areas of concern from a traffic volume forecast, as delineated in the agenda material, stating the next steps included acting upon the action items, setting priorities for roadway and multi-modal improvements, continued coordination with the Florida Department of Transportation, Charlotte County and Metropolitan Planning Organization (MPO) and sharing the information contained in the study with the Master Plan consultant.

Mayor Prafke inquired regarding the conversion of one-way to two-way streets.

Mr. Roll explained conversion was both an engineering and planning consideration, adding a specific study of the operation of such facilities would be needed.

Councilmember Matthews inquired regarding the recommendation for extension of Burnt Store Road.

Mr. Roll replied that area would experience continued growth, particularly multi-family development, adding a need existed to pull traffic out of the major commercial corridor as well as to provide a long term opportunity for a different connection of U.S. 41.

Councilmember Wein inquired how this study interacted with the Southwest Florida Regional Planning Council's transportation studies covering the area from Marco Island to Sarasota.

Mr. Roll replied the MPO process was the most relevant in terms of transportation planning.

Councilmember Wein **MOVED** approval of the findings and recommendations of the Transportation Buildout Study, **SECONDED** by Councilmember Cummings.

MOTION UNANIMOUSLY CARRIED.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

FY 2018 Annual Evaluation

City Manager Kunik stated he did not wish to be considered for the standard 3% salary increase; however, he requested he be allowed to participate in the City's 401(a) Plan.

Councilmember Wein asked if a contracted individual such as the City Manager was permitted to do so.

City Manager Kunik responded the Human Resources Division had prepared the contract amendment.

Mayor Prafke commented on the impact to the City's budget, comparing a 3% raise with potential matches of up to 5% or more.

City Manager Kunik explained his 10% contribution would be matched by the City in the amount of 7.5%.

Councilmembers Carey and Matthews noted same represented a substantially larger increase as compared to the standard 3% raise received by the majority of employees.

Councilmember Matthews confirmed general employees were able to participate in the 401(a) Plan as well.

Councilmember Cummings **MOVED** approval of City Manager Kunik's request to participate in the 401(a) Plan, **SECONDED** by Councilmember Matthews.

VOTING AYE: Carey, Cummings, Matthews, Wein.

VOTING NAY: Prafke.

MOTION CARRIED.

CITY CLERK

FY 2018 Annual Evaluation

Councilmember Matthews stated City Clerk Karen Smith's salary was at the bottom of her pay range, opining she deserved more than the standard salary increase.

Councilmember Matthews **MOVED** approval of a 4% salary increase, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals Alternate

Building Board Alternate

Code Enforcement Board Alternate

City Clerk Smith announced the vacancies.

Nominations

Historic Preservation Advisory Board Alternate

Councilmember Wein **MOVED** to nominate and appoint Mr. Michael Wooster, **SECONDED** by Councilmember Matthews.

MOTION UNANIMOUSLY CARRIED.

Appointments

Punta Gorda Housing Authority

Voting forms were distributed.

City Attorney Levin announced Ms. Jacqueline Benjamin had received the most votes and was thus appointed to the Board of Commissioners.

POLICY AND LEGISLATION

PRAFKE: Announced a historic structure located across the street from City Hall would be relocated within the Historic District on December 21, 2018, starting at 9:00 a.m.

CAREY: Reported Mr. Rob Hancik had been appointed by the Punta Gorda Airport Authority as the City's liaison.

- Commended City staff on their efforts in helping the less fortunate during the holidays.

WEIN: Wished Fire Chief Ray Briggs well on his upcoming humanitarian trip to Central America.

MATTHEWS: Reported the Nesbit Street intersection had been tabled and removed from future MPO agendas.

- Announced she had been appointed to the Military Heritage Museum Board of Directors.

CUMMINGS: Requested consideration be given to closing the pickleball courts in Gilchrist Park on Christmas Eve and Christmas Day, explaining West Retta Esplanade residents had requested this brief restriction to be able to have a quiet, peaceful holiday. He noted he had received correspondence from two physicians recommending same for the benefit of their patients who resided on West Retta Esplanade.

Councilmember Wein pointed out Council had supported the pickleball community, adding this was a relatively small request.

Discussion ensued with consensus to move forward.

Councilmember Cummings **MOVED** to close the pickleball courts from 12:00 Noon on December 24, 2018, through December 25, 2018, **SECONDED** by Councilmember Wein.

VOTING AYE: Cummings, Matthews, Wein, Prafke.

VOTING NAY: Carey.

MOTION CARRIED.

City Attorney Levin requested future items requiring Council action be included on the agenda.

CITIZENS COMMENTS

Ms. Pat Niles spoke regarding the City Marketplace property opining the City's 50 foot height limitation had not impacted the asking price.

The meeting was adjourned at 12:02 p.m.

Mayor

City Clerk