

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, OCTOBER 4, 2017, 9:00 A.M.**

COUNCILMEMBERS PRESENT: Cummings, Keesling, Matthews, Prafke, Wein

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; City Attorney Levin; City Manager Kunik; City Clerk Smith

Mayor Keesling called the meeting to order at 9:00 a.m. and requested a moment of silence for the October 1, 2017, Las Vegas, Nevada, shooting victims and their families.

Invocation was given by Mr. John Burrage, followed by the Pledge of Allegiance.

Mayor Keesling stated the police and security officers at the concert venue were key to moving people to safety. She stated she had much respect for those individuals, asking they be kept in people's thoughts and prayers.

PROCLAMATION/PRESENTATIONS

Florida Native Plant Month

Councilmember Prafke presented the proclamation, which was accepted by Mr. Andy Taylor.

Introduction of Board/Committee Member Nominees

None.

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

ORDINANCE/RESOLUTION

No Public Hearing Required

Citizen Comments – Ordinances/Resolution Items Only

Mr. Gary Skillicorn stated the Americans with Disabilities Act (ADA) Transition Plan recommendations should be prioritized, suggesting the City ensure projects currently under construction met ADA requirements.

Mr. Bill Miller asserted when Aqui Esta Drive was extended past the bridge into Punta Gorda Isles, the City promised to widen the road to four lanes; however, that had not been done, voicing concern regarding increased traffic volumes on Aqui Esta and Ash Street.

Mr. Robert Wilkin stated he moved to Punta Gorda for its quaintness, opining the proposed development on Aqui Esta Drive was not good for the area.

AX-01-17 – An Ordinance of the City Council of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, property generally described as Wal-Mart, 5001 Taylor Road and Murphy Oil, 26359 Jones Loop Road, Punta Gorda, Charlotte County, Florida, and more particularly described in Exhibit “A” attached hereto, containing 25.93 +/- and 0.77 +/- acres respectfully, in accordance with the voluntary annexation provisions of Section 171.044, Florida Statutes; redefining the boundary lines of said City in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; directing the City Clerk to provide certified copies of this ordinance to the Charlotte County Clerk of Court, Charlotte County Administrator, Florida Department of State and Florida Office of Economic and Demographic Research; providing for conflict and severability; and providing an effective date. **SECOND READING**

City Attorney Levin read the ordinance by title only.

Councilmember Prafke **MOVED** approval of AX-01-17, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

PD-01-17 – An Ordinance of the City of Punta Gorda, Florida, rezoning properties generally described as 901, 1001, and 1101 Aqui Esta Drive, Punta Gorda, Florida, and more particularly described in Exhibit “A” attached hereto, containing 105.55 +/- acres, from its current zoning classification of General Single Family 5 Units Per Acre (GS-5) to Planned Development Village (PDV); providing for conflict and severability; and providing an effective date. **SECOND READING**

City Attorney Levin read the ordinance by title only.

City Manager Kunik explained improvements were previously proposed to Aqui Esta Drive, including expansion options to three or four lanes, noting same did not occur due to funding constraints related to the recession; however, some improvements, such as raising the road, were completed.

Councilmember Prafke stated the road widening project was currently included in the Metropolitan Planning Organization (MPO) Long Range Transportation Plan, but was not currently funded.

Councilmember Matthews voiced disappointment Councilmembers had not been asked to meet with the property owner, Mr. Jorge Flor, asserting the City was making many concessions while none were forthcoming from the applicant. **Mayor Keesling** reported she and the City Manager had met with a large contingent of Mr. Flor’s representatives, pointing out Mr. Flor resided in Spain.

Councilmember Prafke stated she had not been given an opportunity to meet with anyone.

Councilmember Wein reported he met with the owner's representatives.

Councilmember Cummings reported he also met with the owner's representatives, opining some of the amenities were eliminated due to the commercial portion being removed.

Councilmember Cummings **MOVED** approval of PD-01-17, **SECONDED** by Councilmember Wein.

VOTING AYE: Keesling, Prafke, Cummings, Wein.

VOTING NAY: Matthews.

MOTION CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, adopting the City of Punta Gorda Americans with Disabilities Act (ADA) Transition Plan; and providing for an effective date.

City Attorney Levin read the resolution by title only.

Mr. Mitchell Austin, Urban Design Planner, reported the ADA Transition Plan was required for the City to continue to receive Federal funding and State transportation aid, adding it was a planning document designed to remove access barriers to public facilities and amenities.

Mr. Bryan Weinstein, Tindale Oliver & Associates, displayed a PowerPoint presentation, as delineated within the agenda materials, explaining the purpose of the ADA as well as the process of performing a self-evaluation of all City facilities and amenities. He reported the City had numerous locations which were mostly accessible. He pointed out the Transition Plan recommendations could be prioritized and implemented over an appropriate period of time. He briefly reviewed some of the facilities evaluated and barriers to accessibility which were identified. He stated the cost estimate was \$2,050,000, noting \$1.1 million was currently dedicated in the Capital Improvement Plan over the next five years. He concluded the implementation plan was a guide, noting it was possible to vary from the plan; however, recommended improvements would need to be reviewed and a work program developed.

Mayor Keesling confirmed it was possible to make corrections rather than replacing certain items, such as concrete or sidewalks. She then inquired how to preserve historic structures but remain in compliance.

Mr. Weinstein replied buildings constructed prior to 1992 did not have to be made accessible; however, any improvements made to the structure subsequent to that date must be in compliance. He pointed out older buildings could be made more accessible

with little expense, such as by replacing door handles and improving restroom facilities.

Councilmember Matthews inquired as to reasonable accommodation versus required elements, questioning whether some of the items could be completed in-house.

Mr. Weinstein reiterated there were items which could easily be made more accessible at little expense, adding ADA issues could be addressed when facilities were renovated.

City Manager Kunik noted some items in the report were outdated, citing certain improvements which had already been made. He opined the issue of the Harborwalk slope might be due to differences in calculations.

Councilmember Prafke questioned the validity of certain items, such as the Harborwalk slope difference of 2 degrees versus 2.6 degrees and the reasonableness of having a “puddle-free” environment. She agreed easy fixes should be addressed; however, larger ticket items should be prioritized but should only be pursued after other current priorities, such as the City’s seawalls, were completed.

Councilmember Wein commented there was no reason to be overly concerned about the Plan, adding it could be implemented in an ethical, reasonable and moral manner based on the City’s financial means.

Mr. Weinstein concurred.

Mayor Keesling suggested input be obtained from the ADA committee.

Mr. Weinstein pointed out the prioritization scheme identified projects to be completed in the near term and those to be completed in the future.

City Manager Kunik reiterated the Transition Plan was a guide, adding the next step was to prioritize projects and develop an implementation plan for City Council review.

City Attorney Levin inquired as to the potential Federal liability if the City’s facilities were constructed after 1992 but did not meet ADA requirements.

Mr. Weinstein replied there could be issues with the Department of Justice (DOJ) if no improvements were made.

City Attorney Levin cautioned City Council regarding the risk of not acting on a recommendation in the Transition Plan due to other more pressing priorities.

Mr. Austin replied the DOJ was more likely to take action against a municipality if a Transition Plan existed but was not being implemented, adding same could jeopardize Federal grant funding.

Councilmember Matthews confirmed no funds were being allocated by approval of the resolution.

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

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

A. Citizen Comments - Consent Agenda Items

None.

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

MOTION UNANIMOUSLY CARRIED.

B. City Clerk's Department

1. Approval of Minutes: Budget Public Hearing of September 20, 2017

2. Approval of Minutes: Regular Meeting of September 20, 2017

C. Legal Department

1. Invoices of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered through September 28, 2017.

2. Invoices of Allen, Norton & Blue, P.A. for services rendered in August 2017

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

D. Finance Department

1. Award of Agreement to Locke Lord LLP of West Palm Beach, FL for debt counsel services.

2. Award of Agreement to Nabors, Giblin & Nickerson, PA of Tampa, FL for bond counsel services

3. Approval to award Landfill Services for 2017 Hurricane season debris (Excluding Hurricane Irma) to Multiple Contractors.

E. Urban Design Division

1. Approval of Comprehensive Conservation Management Plan Revision Scope of Work (CHNEP)

2. Approval of FY18 Upper Charlotte Harbor Coastal Charlotte Harbor Monitoring Network Scope of Work (CHNEP)

3. Approval of Lower Charlotte Harbor Coastal Charlotte Harbor Monitoring Network Scope of Work (CHNEP)

4. Approval of FY18 Water Atlas Maintenance Scope of Work (CHNEP)

Citizen Comments – Regular Agenda Items Only.

None.

BUDGET

Approval of the Evaluation and Selection Committee's (ESC) selected contractor for an Automated Metering Infrastructure System (AMI).

Ms. Marian Pace, Procurement Manager, explained the evaluation process in detail, reporting the ESC had completed the ranking for the AMI contractor bids as follows: 1) Fortiline; 2) HD Supply Waterworks; 3) Ferguson Waterworks. She stated staff recommended moving forward with final negotiations with Fortiline.

Councilmember Matthews inquired as to timing of implementation.

Ms. Pace replied one year.

Councilmember Matthews inquired as to the location of the meters.

Mr. Tom Jackson, Utilities Director, responded existing meters would be retrofitted and would not change in appearance. He then explained a consumer portal would be available to obtain usage information.

Councilmember Prafke opined it would be important to communicate the advantages of AMI to residents as the project progressed.

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

MOTION UNANIMOUSLY CARRIED.

Award of Agreement for the purchase of Marine Grade Ready Mix Concrete for fabrication of seawall slabs from Preferred Materials of Lutz, FL.

Ms. Pace stated the formal bid to purchase marine grade ready mix concrete was approved on September 20, 2017, noting bids were opened September 25, 2017. She stated staff recommended awarding the agreement to Preferred Materials of Lutz, Florida.

Councilmember Matthews **MOVED** approval of the Agreement per staff's recommendation, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

FY 2018 Department Performance Objectives

City Manager Kunik presented the 2018 Department Performance Objectives.

Councilmember Prafke spoke regarding corporate objectives which were specific, measurable, actionable, relevant and time bound (SMART), suggesting the objectives presented were similar to job descriptions. She opined specific timeframes could be added to certain items, adding the list could be pared down to include only measurable objectives.

Mayor Keesling cautioned against assigning timeframes to certain measurements, such as community acceptance, stressing it created a level of complexity which could add unnecessary cost to the City.

Councilmember Wein opined “Coffee with the Chief” was not currently a viable program, pointing out there was no mention of the Police Department volunteer program.

Councilmember Matthews stated in the private sector, monthly action plans which contained specific measurable goals were utilized, such as for sales or creating new accounts.

Councilmember Cummings pointed out the City was a service organization, adding this type of general approach, rather than benchmarks, was valid since the City desired to maintain a high level of service while also maintaining continuity. He clarified while quantifiable objectives should be identified, more general descriptions were also important.

Councilmember Matthews agreed.

Mayor Keesling questioned how to proceed.

Councilmember Cummings suggested approving the objectives with the understanding that some performance benchmarks would be added.

Councilmember Matthews suggested it be tweaked before it was approved.

Councilmembers Wein and **Prafke** agreed.

Discussion ensued regarding measurable objectives.

Mayor Keesling surmised Councilmembers felt the objectives were too generic.

City Manager Kunik explained he evaluated Departments and Divisions based on the objectives. He cited as an example the Finance Department’s need to conduct succession planning for the Director position, adding a seamless transition was a critical objective which needed to be undertaken this coming Fiscal Year.

Councilmember Profke maintained a more specific date could be included.

City Manager Kunik offered to remove items from the list; however, Department Directors and Division Managers were required to demonstrate how well they performed at the end of the fiscal year. He stated there should be no surprises during evaluations because updates were frequently discussed; thus, evaluations were simply a formality to assess accomplishments. He offered to include some additional specificity if desired.

Consensus was for staff to provide a revised list of objectives, to include more specific timeframes, at the first Council meeting in November 2017.

UNFINISHED BUSINESS

Hurricane Irma Update – Debris and Seawalls

Mr. Rick Keeney, Public Works Director, displayed an aerial map of the City's debris removal plan, as delineated in the agenda material, noting 5,500 cubic yards had been cleared to date, which was approximately one half of the yard waste debris. He estimated the first push would be completed by Friday, October 13, 2017. He stated a plan was being devised for the City's parks, noting the grounds were currently too wet to proceed.

Mr. Mark Gering, City Engineer, reported the installation of caution tape had been completed, approximately one dozen outfall pipes had been repaired and six locations with severe erosion had been secured with plastic sheeting and sandbags to reinforce the slopes. He explained downspouts had been redirected using plastic pipes, noting residents with erosion issues were being encouraged to divert their downspouts beyond the erosion area or to the front of the house if possible. He stated staff was researching various erosion control options. He stated contracts for pouring and installing seawalls would soon be presented for City Council approval. He then displayed an aerial map of work zones, as delineated in the agenda material, confirming Councilmembers were amenable to staff's recommendation of awarding a maximum of three work zones to any one contractor. He displayed maps depicting areas of seawall failure, as delineated in the agenda materials, briefly reviewing same, noting newer seawalls were not failing. He concluded approximately 60 miles of original seawall were still standing in PGI.

Councilmember Matthews reported the Boaters Alliance was developing a webpage for listing vacant docks as well as to request dock space. She stated information would be shared with the media, and she had included information in her newsletter. She then inquired if homeowners would receive notification their seawall would be replaced.

Mr. Gering replied affirmatively.

Councilmember Wein inquired as to advice for homeowners to reduce the potential for damage to their docks.

Mr. Gering replied seawall contractors had not been forthcoming with any suggestions regarding same. He stated seawalls were providing some erosion control and should not be removed.

Councilmember Wein inquired whether there was a way to determine what life expectancy remained in the original seawalls.

Mr. Gering replied a visual evaluation was conducted each year, adding radar technology was available to evaluate how much steel remained; however, same was cost prohibitive. He concluded staff would be researching what could be done to secure the older panels.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik reported the Southwest Florida Regional Planning Council had requested a letter of support for grant funding to hire a Disaster Recovery Coordinator, inquiring if members were amenable to discussing same at the next Council meeting. Discussion ensued with consensus to discuss at the next City Council meeting.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals Alternate

Building Board Alternate

Firefighters' Pension Board

Punta Gorda Isles Canal Advisory Committee

Utility Advisory Board

City Clerk Smith announced the vacancies.

Nominations

Code Enforcement Board

Councilmember Prafke **MOVED** to nominate and appoint Mr. John Burrage, **SECONDED** by Councilmember Wein.

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

KEESLING:

Florida League of Cities FAST Fly-In

Mayor Keesling explained she would be travelling to Washington, D.C., with the Florida League of Cities delegation, noting there would be minimal out-of-pocket expenses and confirming members were amenable to same being paid by the City.

CUMMINGS: Distributed information from Trulieve, a Medical Marijuana delivery service, as delineated in the agenda material.

- Stated the New Operation Cooper Street Board had requested the restrooms at the Cooper Street Recreation Center be closed at dusk for public safety reasons and to prevent misuse.

Consensus was to comply with the request.

City Manager Kunik stated staff would install appropriate signage.

PRAFKE: Invited the public to attend the Pickleplex groundbreaking at the Florida Southwestern State College campus on October 17, 2017, at 9:00 a.m.

WEIN: Stated a concern had been expressed regarding a lack of emergency shelters in Charlotte County, suggesting the plans for the Reverse Osmosis treatment plant building be modified to harden it for temporary use as a public refuge.

Consensus was for staff to further research possibilities.

CITIZENS COMMENTS

Mr. Don McCormick commented Mr. Harvey Goldberg championed the seawall redesign.

The meeting was adjourned at 11:25 a.m.

Mayor

City Clerk