

**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JUNE 21, 2017, 9:00 A.M.**

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

CITY EMPLOYEES PRESENT: Dave Drury, Sharon Knippenberg, Kristin Simeone, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Joan LeBeau, Lisa Hannon, 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.

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

PROCLAMATION/PRESENTATIONS

Amateur Radio Week

Councilmember Wein presented the proclamation, which was accepted by Mr. John Wildeman, Peace River Radio Association.

PUBLIC HEARINGS

Quasi-Judicial Public Hearings

Mayor Keesling reviewed the public comment procedures.

City Attorney Levin read the Special Exception request title, advising there were no intervenors.

City Clerk Smith swore in the participants.

SE-02-17 – A Special Exception request by Geri Waksler, Agent, for Punta Gorda Investors, LLC, property owners, for a Special Exception pursuant to Chapter 26, Section 16.8, Punta Gorda Code, to allow an assisted living facility with a memory care unit to be located in a General Multi-Family zoning district, as is permitted by Special Exception approval per Chapter 26, Section 3.5(f)(13), Punta Gorda Code, on property zoned General Multi-Family 15 Units per acre (GM-15), and addressed as 2001 Aqui Esta Drive.

Ms. Lisa Hannon, Interim Zoning Official, displayed an overhead of the subject property and read the staff report into the record, as delineated in the agenda material, which included staff's findings, required criteria for a Special Exception and staff's conclusions. She concluded the Planning Commission and staff recommended approval.

Ms. Geri Waksler, legal representative for applicant, Agape Senior Living (Agape), confirmed staff determined the Special Exception application was complete. She requested the public hearing be continued to a date certain if the proceedings were not

complete prior to Mayor Keesling's departure. She then requested the expert witnesses be allowed to present their qualifications before beginning her presentation. **Mayor Keesling** confirmed members were amenable to the requests.

Mr. Daniel Castleberry, Meridian Senior Living Senior Vice President, explained his experience and background.

Ms. Katie Berkey, Kimley Horn Senior Planner, described her credentials and experience.

Mr. Matt Simmons, Maxwell Hendry Simmons Real Estate Appraiser, described his background and experience.

Ms. Laura Rossi, Southwest Engineering & Design Professional Engineer, outlined her credentials.

Ms. Waksler explained Agape was requesting a Special Exception for an Assisted Living Facility (ALF) in the GM-15 zoning district. She displayed a PowerPoint presentation, as delineated in the agenda materials, briefly describing the proposed facility. She asserted it was incorrect to state the property was solely intended for multi-family development, and the proposed use was an appropriate Special Exception use. She stated after hearing concerns expressed at the Planning Commission meeting, her client met with residents to discuss the issues, adding Agape revised the site plan, developed a set of eleven proposed conditions of approval, eliminated the entrance on Socorro Drive, negotiated an easement with the adjacent commercial shopping center so that deliveries, trash pickup and employees' access to the site could be accomplished via the rear of the property and softened the view of the parking lot with additional landscape buffers. She added the architectural style would be in keeping with Punta Gorda Isles (PGI), a written emergency plan would be submitted to the City's Fire Chief for approval and exterior lighting would be designed to protect against spill-over to adjacent properties.

Ms. Castleberry attested a need had been expressed for a Class A ALF and memory care unit in PGI. He explained the structure of the company, noting he worked for Meridian Senior Living, which currently operated 75 facilities across the United States. He described the operations of the facility, which included a total of 75 full time equivalent (FTE) employees, with the largest shift working from 9:00 a.m. to 5:00 p.m. He stated a small bus would take residents on various excursions and a private car would transport them to medical and other appointments. He stated the most deliveries for any one vendor would be twice per week by Cisco, which had agreed to make those deliveries via box truck. He promised it would be a fantastic property for PGI at an approximate cost of \$20 million with state-of-the-art technology, concluding

their goal was to become part of the community and to provide a service to the residents.

Ms. Rossi drew members' attention to the traffic study, as delineated within the agenda materials, explaining the process for conducting the study, and briefly testifying as to the results. She concluded the facility would generate 41% less traffic than a multi-family residential development, adding placement of the facility in the designated location would have no effect on the current function of the surrounding roadways and drivers would not notice a change in the operations of Aqui Esta Boulevard or Socorro Drive.

Mr. Simmons stated his company was retained to perform a study related to the value impact for the proposed ALF, noting same primarily focused on the Brookdale of Punta Gorda Isles facility. He explained a paired sales analysis was performed for three properties which were adjacent to the existing facility, briefly reviewing same, reporting the result was a similar price per square foot, which indicated there was no locational difference. He stressed the value impact study was much broader than what was being shown and included analysis of several similar facilities in the area; however, the results were replicated. He stated academic studies had been performed on this issue in the valuation arena, and similar results had been found. He concluded the introduction of an ALF would not have a negative impact on the surrounding and adjacent residential uses.

Ms. Berkey referenced her planning report and displayed an aerial view of the site plan for the proposed facility, both delineated within the agenda materials, attesting the proposed project, as conditioned, was an appropriate and desirable use, was in an appropriate location and met or exceeded all of the Special Exception approval criteria.

Councilmember Matthews inquired whether the agreement for deliveries by box truck would transfer and convey if the property was sold.

Ms. Waksler replied any conditions attached to the Special Exception use would be tied to the land.

Councilmember Matthews inquired as to an agreement with the Fire Department regarding accessing the property from the rear.

Ms. Waksler replied no such discussion had taken place. She stated it would be necessary to review the interior configuration as Agape did not wish to create an unsafe situation for emergency management personnel.

Councilmember Wein inquired if there were provisions for a sidewalk along the perimeter by Aqui Esta Boulevard and Socorro Drive.

Ms. Waksler replied affirmatively.

Councilmember Wein inquired if the roadway might be downgraded to Level “B” as a result of the development.

Ms. Hannon replied there was much leeway.

Councilmember Prafke confirmed the developer could construct an apartment complex without Council approval provided it was compliant with City Code. She inquired if the proposed 15 foot landscape buffer exceeded Code requirements.

Ms. Waksler replied the number and size of the proposed trees as well as the landscaping at the northern and southern corners exceeded what was required.

Councilmember Prafke inquired what would be done with the property if the request was denied.

Mr. Castleberry replied an apartment complex would be developed.

Mayor Keesling stated emergency vehicles normally traversed all neighborhoods, adding the facility should not be put at a disadvantage.

Councilmember Matthews inquired as to condensing the size of the building, opining it was viewed as monolithic.

Ms. Castleberry replied affirmatively, stressing Agape wanted to provide a successful project for the City.

Councilmember Wein inquired as to noise generated by the facility, questioning the procedures for emergency vehicles.

Mr. Ray Briggs, Fire Chief, explained staff always used discretion when utilizing sirens.

Mr. Larry Stewart opposed the Special Exception due to the size of the building.

Ms. Beth Magnin voiced concern regarding insufficient parking, food and medical waste as well as the large size of the building.

Ms. Abrielle Tayler-Levine asserted the traffic study did not reflect the reality of the situation, adding she appreciated the extensive landscaping; however, it would block the view of pedestrians, bicyclists and automobile traffic.

Mr. Jack Ackerman voiced opposition to the request, opining it was not compatible with the surrounding neighborhood or the City’s Comprehensive Plan.

Mr. Al Alexander voiced concern regarding the size of the site, adding it was a commercial venture which did not belong in a residential area. He submitted into the record a petition in opposition, stating it had been signed by 147 residents.

Ms. Gail McQuigg opined their property and their neighborhood would be adversely affected by the proposed ALF.

Mr. Brad Teets asserted the applicant was using fake names to hide the identity of the owners, investors, facility operator and intentions, opining it was misleading and disingenuous.

Mr. Carol Nieberline voiced opposition to granting the exception, opining there were tax advantages to allowing the property to be developed as GM-15.

Ms. Debbie Coudret inquired as to the need for the facility, mitigation for birds in the lake area, additional landscaping on the west side, any effect on the bicycling community and the proximity of the facility to an evacuation route.

Mr. Bruce Masalcas asserted an ALF was needed in Punta Gorda but should not be constructed in PGI.

Ms. Vanessa Cournoyer voiced opposition to the request.

Ms. Mary Caponi opined developing the property as condominiums was more appropriate, adding the facility was a commercial venture which belonged elsewhere. She commented it would have a negative effect on emergency response times.

Ms. Karen Riley voiced concern regarding traffic, opining the facility was not appropriate for the location. She stated the median stay in an ALF was 21 months, asserting it would be difficult for a 161 bed facility to be successful.

Ms. Donna Gee stated she was opposed to allowing the Special Exception, reiterating concerns regarding traffic and the ability to evacuate the ALF in an emergency.

Ms. Janice Davis spoke in favor of the facility, opining many residents wished to remain in the area when they could no longer live alone in their homes.

Mr. Bill Abbatemateo voiced concern regarding the lack of discussion regarding quality of life, security issues and the ability to evacuate the facility in an emergency.

Ms. Jane Leach reiterated the ALF was a commercial entity designed to generate a profit and did not belong in an area zoned for multi-family residential use, adding the design was not compatible with the neighborhood.

Ms. Maryanne Artisani voiced opposition to the request, asserting there were other commercial parcels available for sale which were close to hospitals and other amenities which would be more appropriate. She opined the concept of quiet neighborhoods was dying.

Mr. Walt Peterson stated development of the property was inevitable, suggesting this proposal was the best option for the area demographic. He stated it would be developed by experienced professionals and should be accepted.

Mr. Bill Leech voiced opposition to allowing the exception.

Mr. Harvey Goldberg stated it was common for those in opposition to a project to be more vocal than those who were in favor, stressing allowing a care facility in the neighborhood would allow residents to remain in a comfortable, familiar environment close to family and friends during what was a traumatic experience for all involved.

Ms. Joan Purcell opined the peace and tranquility of the neighborhood would be negatively impacted by the facility.

Ms. Julie Esdale voiced opposition to allowing the exception as it would devalue surrounding properties, reiterating these types of facilities should be close to hospitals and doctors' offices.

Mr. John Forr voiced support for the facility, opining same was needed. He concurred there were likely many individuals in favor of allowing the facility in a residential area rather than heavily trafficked areas such as the hospital.

Mr. Ron Godina maintained the ALF did not belong in a residential neighborhood, adding there was no lack of ALFs in the area.

Ms. Waksler entered the following exhibits into the record by reference: Exhibit 1 - Special Exception application; Exhibit 2 - PowerPoint presentation; Exhibit 3 - Cisco letter; Exhibit 4 - revised site plan; Exhibit 5 - proposed conditions of approval; Exhibit 6 - Planning Report. She explained ALFs were not required to meet a 50 foot setback, pointing out one third of the facility would be a maximum of 42 feet in height rather than 50 feet as mentioned, with the remaining two thirds being two stories or less. She opined the proposed facility would result in greater tax dollars, lesser traffic impacts and less visual impact than a multi-family multi-story development. She reiterated the applicant had proposed several conditions to mitigate many of the concerns raised previously. She stressed people lived in an ALF and the facility was consistent with residential characteristics, adding as per the Comprehensive Plan, the City was required to provide a variety of housing types; thus, it was appropriate to place an ALF in a residential area. She concluded this type of facility allowed residents to remain near loved ones and to continue to be a part of their community, adding it should be welcomed and encouraged as part of the community's desire to keep its residents local and connected through all phases of life.

All Councilmembers disclosed they had met with the property owner.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Wein **MOVED** to continue deliberations for SE-02-17 to July 5, 2017, in City Council Chambers, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

Note: A short break was called at 11:37 a.m., at which time Mayor Keesling turned the gavel over to Vice Mayor Wein and left the meeting.

ORDINANCE/RESOLUTION

No Public Hearing Required

SV-02-17 - A Resolution of the City Council of the City of Punta Gorda, Florida, declaring its intent to consider vacating a portion of a 10 foot wide east/west direction alley as illustrated on Harvey's Subdivision of Block 30 containing 887.5 square feet; and a portion of a 10 foot wide east/west direction alley, as illustrated on Harvey's Subdivision of Block 30 containing 72.5 square feet and more particularly described in Exhibit "A" attached hereto and made a part thereof; requesting a recommendation from the Planning Commission; and fixing a public hearing thereon.

Vice Mayor Wein confirmed there was no public comment.

City Attorney Levin read the resolution by title.

Ms. Hannon stated the resolution merely declared the intent to vacate a portion of an alley, noting the request would be considered by the Planning Commission at their June 26, 2017, meeting and would be considered by City Council at a future meeting.

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

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Vice Mayor Wein confirmed there were no public comments on the Consent Agenda.

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

MOTION UNANIMOUSLY CARRIED.

- A. City Clerk's Department
 - 1. Approval of Minutes: Regular Meeting of June 7, 2017
- B. City Manager's Department
 - 1. Letter of Support for Charlotte County Roadway Landscaping and County Gateway Enhancement Projects
- C. Legal Department
 - 1. Invoices of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered through June 12, 2017.
 - 2. Invoices of Allen, Norton & Blue, P.A. for services rendered through May 31, 2017
- D. Finance Department
 - 1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Interlocal Agreement between the City of Punta Gorda and Charlotte County Tax Collector for the Uniform Method of Notice, Levy, Collection and

Enforcement of Non-Ad Valorem Assessments; authorizing the Mayor to execute the Interlocal Agreement; providing for conflict and severability; and providing an effective date.

E. Police Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Interlocal Agreement for State Attorney Services between the City of Punta Gorda, Florida and the Office of the State Attorney for the Twentieth Judicial Circuit of Florida; authorizing the Mayor to execute the Interlocal Agreement; providing for conflict and severability; and providing an effective date.

Citizen Comments – Regular Agenda Items Only

None.

BUDGET

Appropriation of Funds for Unforeseen Conditions Encountered During Drilling of the Deep Injection Well at the Shell Creek Water Treatment Plant – Agreement F2015108/CONS-DIWELL/WTP.

City Manager Kunik introduced the change order for the Deep Injection Well, project, noting staff recommended approval.

Councilmember Matthews inquired as to the reason for the change.

Mr. Tom Jackson, Utilities Director, explained the geology of the injection zone was 300 feet deeper than anticipated, which caused the need for additional the depth of the deep injection well as well as the monitoring well, adding he did not foresee any further changes.

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

MOTION UNANIMOUSLY CARRIED.

Award of Master Agreement and Phase I Design Services for North Alligator Creek Pedestrian Bridge to Agenor & Campbell Structural Engineers LLC of Clearwater, FL.

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

MOTION UNANIMOUSLY CARRIED.

Ms. Marian Pace, Procurement Manager, announced the City had received verbal confirmation of issuance of the Notice to Proceed from the Florida Department of Transportation.

Award of Agreement for Economic Analysis of City's Proposed Additional Harbor Access Assessment Project to PMG Associates, Inc. of Deerfield Beach, FL.

City Manager Kunik stated staff was seeking approval of the recommendation for award to the lowest bidder, PMG Associates. He explained it was recommended that in order to validate its assessment methodology, the City should hire an economist to verify that the identified properties would receive a benefit. He stated PMG would analyze property valuation and assist the City with the allocation of the water access units.

Councilmember Matthews requested to receive a copy of the scope of work.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution supplementing City Council Resolution No. 3290-17 to authorize the execution and delivery of an amendment to the loan agreement with the Florida Department of Environmental Protection to increase the total amount of loans authorized thereunder to cover a portion of the cost of the proposed Reverse Osmosis Water Treatment Plant; designating authorized representatives; providing assurances; providing for conflicts, severability, and effective date.

City Manager Kunik explained an amendment to the loan agreement was necessary to lock in the low interest rate of 1.34%, adding there was no guarantee the City would receive this rate in the future.

City Attorney Levin read the resolution by title.

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

MOTION UNANIMOUSLY CARRIED.

Purchase of a Fire Department Vehicle

City Manager Kunik stated an appropriation of funds was needed to purchase a vehicle for the Fire Marshal.

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

MOTION UNANIMOUSLY CARRIED.

Discussion of the Five Year Capital Improvement Program (CIP)

Ms. Sharon Knippenberg, Controller, explain staff would be presenting the Citywide CIP minus those funds previously discussed. She stated there was an extensive list of projects to be completed over the next five years, adding staff would provide a summary from each area of funding along with a list of unfunded projects, which could be discussed in August 2017.

Ms. Kristin Simeone, Financial Analyst, drew members' attention to the General Construction Fund noting same was funded from a variety of revenue sources. She displayed the Project list, briefly reviewing same, noting the Council Chambers renovation project and funding for Trabue Woods were recent additions.

Councilmember Prafke requested the Madrid sidewalk project be clarified as being by the shopping center.

Councilmember Matthews suggested expanding Council Chambers and including the cost in the General Fund budget, opining same should be considered before any further renovations were completed.

Vice Mayor Wein concurred, recommending there be a plan for moving forward.

City Manager Kunik clarified the proposed renovation was intended to make better use of the existing space rather than to expand.

Councilmember Prafke agreed expansion was worth consideration; however, it should not be grandiose.

Ms. Knippenberg inquired if Council was requesting staff to begin exploring such a project during the current budget process.

Councilmember Matthews responded she was not certain what year would be appropriate or what funds were available; however, it was necessary to determine what the cost would be.

Ms. Knippenberg stated the project could be added to the unfunded list with a target of 2018 or 2019 for exploring needs.

Ms. Simeone drew members' attention to the Local Option Sales Tax Fund revenue and list of projects.

City Manager Kunik stated these projects were previously recommended by City Council, adding the timing had been changed for some projects, and some figures were only planning numbers.

Ms. Simeone briefly outlined those projects which had no funding source identified.

City Manager Kunik reported the Cooper Street Complete Streets project would revert back to the original idea of a multi-use trail if no funding source was identified.

Ms. Simeone then displayed the list of Unfunded Projects for FY 2018 through FY 2022, confirming members had no questions regarding same. She drew members' attention to the Information Technology Fund, noting the 3% budgeted from each fund was sufficient for the FY 2018 projects. She reviewed the Sanitation Fund, noting several new packer trucks and customer carts would be ordered shortly.

City Manager Kunik stated the goal was to roll out the new program in Spring/Summer 2018.

Councilmember Prafke inquired if the carts should be distributed in season when residents were in town.

Mr. Rick Keeney, Public Works Director, explained it would take ten to twelve months for the packers to be delivered, adding the delivery schedule would determine when the carts could be distributed. He stated an experienced firm would be hired to implement the cart program and residents would receive advance notification.

Ms. Simeone concluded with a brief review of the Building Fund.

Fiscal Year 2018 Budget Status Update for the Burnt Store Isles Canal Maintenance Assessment District and the Punta Gorda Isles Canal Maintenance Assessment District.

Ms. Knippenberg announced the Burnt Store Isles (BSI) Canal Advisory Committee (CAC) recommended a reduction of the dredging project assessment from \$110 to \$95 based on bids received, adding the proposed assessment for FY 2018 was \$555.

Councilmember Prafke inquired if the BSI CAC discussed retaining the assessment amount but shortening the term.

Ms. Knippenberg replied affirmatively, explaining the small amount of the reduction would not allow the debt to be retired any sooner. She drew members' attention to the BSI Canal Maintenance Fund Proforma FY 2018 - 2022, noting same included a reasonable reserve; however, reserves would be negatively affected through FY 2020 by projects related to the reduction in available staging sites for seawall maintenance. She then drew members' attention to the Punta Gorda Isles (PGI) Canal Maintenance Fund, noting the PGI CAC recommendation was to retain an assessment of \$550. She explained the Reserve Seawall Replacement fund would be utilized in 2021 to create a channel to an existing spoil site which would allow a more efficient method of conducting seawall replacements.

Councilmember Matthews inquired as to the purchase price of the land for the Alligator Creek cut through.

Mr. Drury replied it was possible the land would be donated.

NEW BUSINESS

Council Liaison to Punta Gorda Boaters Alliance

City Manager Kunik explained the Punta Gorda Boaters Alliance was in the process of developing a master plan for recreational boating and had requested a City Councilmember to serve as a liaison in that effort.

Discussion ensued with consensus to appoint Councilmember Matthews.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik stated there were some unforeseen conditions related to utility lines for the Gilchrist Park Phase I project, explaining one was an abandoned line while the other was active. He stated this necessitated some additional work, and Weiler Engineering had negotiated with the contractor a cost of \$46,226, adding work should begin immediately to avoid delays with the contractor. He stated West Retta Esplanade would be closed for an additional 33 business days, adding the Park might be closed until early November 2017 rather than December 2017. He confirmed there was consensus to do so.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals

Board of Zoning Appeals Alternate

Building Board Alternate

Burnt Stores Isles Canal Advisory Committee

Planning Commission

Punta Gorda Isles Canal Advisory Committee

Utility Advisory Board

City Clerk Smith reported an advertisement for current advisory board vacancies would be published in the local newspaper within the coming week. She then announced all of the new and continuing vacancies.

Nominations

Planning Commission

Councilmember Matthews **MOVED** to nominate and appoint Mr. Brad Gamblin to the Planning Commission, **SECONDED** by Councilmember Prafke.

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

PRAFKE: Thanked residents for their participation and comments related to SE-02-17.
- Announced she had Punta Gorda History Center raffle tickets.

WEIN: Stated Mr. Ray Rose was not in attendance due to health issues and wished him a speedy recovery.

MATTHEWS: Spoke regarding the Southwest Florida Regional Planning Council, noting Sarasota, Lee and Charlotte Counties had indicated they would withdraw from the Council as they felt the group was no longer relevant. She stated the remaining

members, including the City of Punta Gorda, would work together to make the Council relevant again.

- Thanked everyone for the cooperative spirit with regard to the Punta Gorda Library Project.

- Suggested using the County's expedited format for proclamations and employee recognition.

CUMMINGS: Stated he was the editor of Cooper Street's quarterly newsletter, announcing an electronic version would soon be available. He reported a letter was received which questioned whether the children were involved in recreational activities after school, stressing social and recreational time were provided. He stated Ms. Martha Bireda spoke with Western Michigan University (WMU) regarding community involvement, adding WMU would be assisting Cooper Street with its programs and its vision for youth as well as its elder programs. He stated the Punta Gorda Library would also be assisting with the educational outreach center to provide high school students access to research higher education opportunities and career paths.

CITIZENS COMMENTS

Mr. Goldberg complimented City Council and staff on the agreement with Charlotte County for the Punta Gorda Library.

The meeting was adjourned at 12:41 p.m.

Mayor

City Clerk