



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, FEBRUARY 4, 2009 9:00 A.M.**

COUNCILMEMBERS PRESENT: Friedman, Albers, Wallace, Goldberg, McCormick

CITY EMPLOYEES PRESENT: Dave Drury, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Dennis Murphy, Growth Management; Kathy Dailey, City Manager's Office; Butch Arenal, Police; Robert Hancock, Fire; City Attorney Levin; City Manager Kunik; City Clerk Foster

Mayor Friedman called the meeting to order at 9:01 a.m. He then mentioned the passing of former employee, Mr. Bill Wishard, requesting a moment of silence. Invocation was given by Mr. John Burrage, followed by the Pledge of Allegiance.

PROCLAMATION/PRESENTATIONS

Airport Update - Gary Quill, Director of Charlotte County Airport

Mayor Friedman recognized Airport board member, Mr. Don Lee.

Mr. Gary Quill, Executive Director, reported 9,500 passengers traveled on Direct Air during the month of January, 2009. He stated Charlotte County planned to bid out the roadwork on Piper Road this year. He then provided an update of businesses planned for the Airport executive park, stating meetings were underway with regard to the citing of an air control tower, planned for late 2010. He then stated Allegiant Airlines would be flying into the airport beginning on March 4, 2009, noting flight patterns were being addressed in an attempt to alleviate concerns from area residents. He provided further information on variables that affect the flight patterns.

Councilmember Albers asked if proactive measures could be take with Allegiant to ensure they would make their turns over the harbor.

Mr. Quill responded affirmatively.

NOTE: City Council recessed and reconvened as the Community Redevelopment Agency. (See corresponding minutes)

PUBLIC HEARINGS

AX-01-09 – An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, property consisting of Parcel Nos.

41222400001, 412223300001, 412226200001, 412224353001, 41222342009 and 412225251001 as more particularly described in attached Exhibit “A”; and property consisting of Parcel No. 412330100001 and 412330100002 more particularly described in attached Exhibit “B”; and property consisting of Parcel No. 412330400001 as more particularly described in attached Exhibit “C”; and property commonly known as 11081 Burnt Store Road more particularly described in attached Exhibit “D”; and property commonly known as 12301 and 12401 Burnt Store Road more particularly described in attached Exhibit “E”. 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; providing for conflict and severability and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Joan LeBeau, Chief Planner, displayed an overhead of the subject property, as delineated in the agenda material, stating this was an application of the City and State. She announced the property was contiguous to current City boundaries and would thus not create an enclave, adding a large scale land use amendment would be required. She concluded with a recommendation for approval of AX-01-09.

Mayor Friedman called three times for public comment.

Councilmember Wallace **MOVED** to close the public hearing, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Councilmember Goldberg **MOVED** approval, **SECONDED** by Councilmember Wallace.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

ZA-17-08 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the City Code of Ordinances known as “The Land Development Regulations”, Article 8, Standards of General Applicability; amending Subsection 8.13., Soil Conservation, providing for materials permitted in drainage areas, providing for limitations on inorganic mulch materials, and defining location of drainage areas; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Albers **MOVED** approval, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

SV-03-08 - A Resolution of the City Council of the City of Punta Gorda, Florida, declaring its intention to consider the change of name of that portion of the street known as West Marion Avenue from the point of beginning (POB) North Marion Court thru Ponce de Leon Park to the waters edge of Charlotte Harbor in the City of Punta Gorda, to Ponce de Leon Parkway in the City of Punta Gorda; as depicted in Exhibit "A"; providing an effective date.

City Attorney Levin read the resolution by title.

Councilmember Albers **MOVED** approval, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Mayor Friedman pulled item A-2, stating same proposed to amend the bylaws of the Historic Preservation Advisory Board (HPAB) related to the residency requirement to allow people not living in the City to serve if they owned property in the City. He stated the agenda material indicated the reason for proposing same was out of fear the new absence policy would create difficulty in maintaining sufficient interest and sufficient numbers to obtain quorums, opining same was not an adequate reason. He stated if there wasn't sufficient interest, it may become necessary for City Council to question the need for the Board.

Councilmember Goldberg opined the policy should not be changed as the only other boards that did not require residency were the Building Board based upon the requirement for representatives of the various trades and the Revitalization Committee which allowed a business owner to serve. He reiterated he did not see a reason for the changed.

Councilmember McCormick inquired if a representative of the HPAB was present.

City Clerk Foster stated the proposal arose when staff discovered one of the current members, while owning a home within the historic district, lived outside the City limits. She explained when same was made known to the Board, they proposed the amendment to the bylaws to allow the member to continue to serve.

Mayor Friedman stated same was not a reason to lessen the regulations, adding the more vested interest members had in their particular area of responsibility, the better it would be for the Board.

Councilmember McCormick **MOVED** to deny the resolution, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

Councilmember Albers **MOVED** approval of the remainder of the consent agenda, **SECONDED** by Councilmember McCormick.

MOTION UNANIMOUSLY CARRIED.

A. CITY CLERK'S OFFICE

1. Approval of Minutes: Regular Meeting of January 21, 2009
2. A Resolution of the City Council of the City of Punta Gorda, Florida, approving amended bylaws governing the function and procedures of the Historic Preservation Advisory Board.

B. LEGAL DEPARTMENT

1. Monthly Litigation Report
2. Statements of the Farr Law Firm for services rendered in December 2008.
3. Statement of Allen, Norton & Blue, P.A. for services rendered through December 31, 2008.
4. Statement of Allen, Norton & Blue, P.A. for annual labor retainer fee covering December 1, 2008 through November 30, 2009
5. Resolution of the City Council of the City of Punta Gorda, Florida changing the date of its second regularly scheduled City Council meeting in July 2009

C. HUMAN RESOURCES DEPARTMENT

1. Overage Dependant Insurance Coverage
2. Contract between the City and Police Officers' Bargaining Unit
3. Contract between the City and Police Sergeants' Bargaining Unit

UNFINISHED BUSINESS

Acceptance of bank loan proposal for Infrastructure Sales Surtax Projects

Mr. Dave Drury, Finance Director, explained 14 banks of varied size were contacted with proposals received by Wachovia, Suntrust and Bank of America, He reported the fixed rates were excellent at 3%, thus he proposed to borrow the entire amount of the loan from Wachovia with a closing to be held on February 18, 2009. He explained the Infrastructure Sales Surtax (ISS) revenues had been pledged for debt service payments. Councilmember Goldberg **MOVED** approval, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Aqui Esta Project Schedule

Mr. Mark Gering, City Engineer, introduced Ms. Kelly Slaughter and Mr. Brian Barnes from Charlotte County.

Mr. Barnes explained the project fell during a time when the Federal government changed the rules for funding, thus the lengthy delay. He noted approval had been awarded in May, 2008 with the contract being awarded in September, 2008. He then drew members attention to the summary, as delineated in the agenda material, while providing a brief review of the key personnel, costs and construction schedule. He

noted construction had begun this week, providing information as to the repair of the bridge which would be widely advertised to provide advance notice to residents. He estimated completion within two years.

Mayor Friedman inquired if one section would be fully completed prior to commencing the next section.

Mr. Barnes responded there would be overlap in some areas, commenting the final layer of pavement would not be applied until all other work was complete.

Mayor Friedman confirmed the road would not be completely closed until it was time for the bridge replacement.

Mr. Barnes added road closures were not allowed during hurricane season.

Mayor Friedman asked if coordination had occurred with Fire and EMS.

Fire Chief Rob Hancock stated he had been coordinating with Charlotte County Chief Didio with regard to the best location for the ambulance.

Councilmember Goldberg then asked if the developer's contact information would be provided.

Mr. Barnes responded same would be included in the letters sent to area residents, adding all field employees would have business cards with the contact information as well.

Councilmember Goldberg mentioned northbound Bal Harbor Boulevard had a significant traffic back up at certain times, recalling prior discussions of adding a turn lane.

Mr. Barnes replied consideration had been given to a traffic light which was denied by the State, adding there was no way to safely add lanes at a four way stop. He stated it was possible a left turn lane may be added once the Federal oversight was complete. He opined it would not be long before that intersection warranted a traffic light.

Councilmember McCormick suggested the right turn outs at Shreve and Henry Streets worked well without a right turn lane.

Councilmember Wallace inquired if local subcontractors would be utilized.

Mr. Barnes responded the developer did not use subcontractors. He stated a progress meeting was held on alternating Tuesdays which City staff was welcome to attend and had been doing so. He concluded a groundbreaking was scheduled for February 27, 2009 at 10:00 a.m.

Councilmember Albers inquired as to the difference in lane width.

Mr. Barnes responded the existing pavement was approximately 18' to 19' wide, with the finished project being 24' wide with 4' shoulders on each side. He then stated a 5'

sidewalk would be located on the north side between Bal Harbor Boulevard and Magdalena Drive.

Councilmember Albers questioned the plan for the intersection of Aqui Esta and US 41.

Mr. Barnes responded one westbound lane would come off of US 41 onto Aqui Esta. He noted a 4' raised concrete traffic separator starting at US 41 to just west of Baynard Street which would prohibit anyone from turning left off of or onto the road. He noted same would impact the driveway at the Shell Station and the new bank. He stated it would prohibit left turns off of Baynard Street as well. He stated there would be three lanes on Aqui Esta approaching US 41, including a through lane and left and right turn lanes.

Councilmember Albers questioned the rationale for the separator.

Mr. Barnes responded when the light was red at US 41, a person coming off of US 41 trying to turn into the bank would back traffic up onto US 41, adding same was a safety hazard.

Discussion ensued with regard to traffic movements in that area.

Councilmember Albers suggested Chief Hancock work toward the County locating a second ambulance within the City during the period of time the bridge was closed.

Waterfront Development Advisory Committee (WDAC) recommendation to move forward with East Mooring Field.

City Manager Kunik explained the WDAC had recommended the City move forward with the project, adding funds had been budgeted for same. He noted an engineer had been selected for the design and was ready to move forward. He recalled it had been delayed previously to determine the status of the west mooring field.

Councilmember Goldberg voiced support toward moving forward with same based upon the use of grant funds.

Councilmember McCormick stated he had initially favored delaying same as he was concerned the west mooring field would not move forward; however, that concern was no longer evident as forward movement was being made on the west field.

Councilmember McCormick **MOVED** approval to proceed, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Discussion on Fair Share Impact Fee Implementation

Mayor Friedman referenced a question that had arisen regarding deferring implementation of the final 25% increase in impact fees in light of the economy. He inquired if members opposed a deferral for an additional year.

Councilmember Wallace **MOVED** approval to defer same to January 31, 2010, **SECONDED** by Councilmember Goldberg.

Mr. John Wright, Punta Gorda Chamber of Commerce, voiced approval.

MOTION UNANIMOUSLY CARRIED.

BOARDS AND COMMITTEES

Announcement of Vacancies

Historic Preservation Advisory Board

City Clerk Foster announced the vacancy.

Nominations

Board of Zoning Appeals - Alternate

Councilmember Goldberg **MOVED** to nominate Mr. Bischoff and to continue the remaining vacancy, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Appointments

There were none.

CITIZENS' COMMENTS

Mr. Jay Buckley thanked members for supporting the east mooring field. He spoke regarding grant funding provided by the Marine Advisory Committee.

The meeting was adjourned at 11:37 a.m.

Mayor

City Clerk