



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, SEPTEMBER 2, 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 9:00 a.m.

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

PROCLAMATION/PRESENTATIONS

Introduction of Board / Committee Nominees

Ms. Dianne Bettmann introduced herself as a nominee for Historic Preservation Advisory Board (HPAB).

Punta Gorda Police Department 2009 Jammers Youth Basketball League Volunteers

Mr. Butch Arenal, Police Chief, presented certificates of appreciation for all who volunteered in this year's youth basketball league program, thanking each for their time and efforts.

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

PUBLIC HEARINGS

An Ordinance of the City of Punta Gorda, Florida, amending Chapter 7 of the City Code of Ordinances, "Building Regulations", Articles II and III, using reserved Section 7-29 as "Building Code Adopted" due to renumbering; amending Section 7-30, adopting the Green Building Program; providing for conflicts and severability; and providing for an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Mr. Dennis Murphy, Growth Management Director, displayed a PowerPoint presentation, explaining same would establish goals, programs and procedures to

guide the City in becoming a more sustainable community through a certification based program, the use of educational opportunities and marketing incentives. He stated same would be promoted throughout the private sector.

Mayor Friedman called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

City Attorney Levin advised he had concern in that the program was voluntary for private projects but was mandatory for the City.

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

MOTION UNANIMOUSLY CARRIED.

An Ordinance of the City of Punta Gorda, Florida, amending the City Code of Ordinances, Chapter 23, "Traffic", Article II, "Parking Areas", amending Section 23-17, restricting vehicle parking on Sullivan Street between West Charlotte Avenue and West Retta Esplanade to the east side of said street; prohibiting parking on Herald Court between U.S. 41 northbound (Tamiami Trail) and Taylor Street in the City of Punta Gorda; providing for conflicts and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Mr. Murphy explained while parking on Sullivan Street had been limited to a two hour duration, it was being proposed to prohibit same on the west side to West Charlotte Avenue. He further noted Council had directed staff to explore the possibility of restricting parking on Herald Court in an attempt to make the area more pedestrian friendly, noting staff received minimal objection from area businesses. He concluded parking for the temporary purpose of loading and unloading goods or passengers would be allowed.

Mayor Friedman reported there was a question as to whether to stop at Virginia Avenue or continue same to Charlotte Avenue, adding another question arose as to whether to continue the diagonal parking on Herald Court near the courthouse.

Councilmembers Goldberg and Albers recommended stopping the parking restriction on Sullivan Street at Virginia Avenue.

Consensus of members was to agree.

Councilmember Goldberg recommended retaining the diagonal parking on Herald Court.

Mr. Murphy reported staff concurred with same.

Consensus of members was to retain the diagonal parking.

Mr. Tom Starrett, Toucan Travel, stated he was not approached with regard to restricting parking on Sullivan Street. He questioned the reason for same as it would limit available parking. He pointed out older customers did not wish to walk from the parking garage. He maintained the two hour parking was hindering his business.

Mayor Friedman explained the two hour parking arose as a result of a number of businesses on Sullivan Street requesting same. He further explained limiting parking to one side of the street was based upon the narrowness of the roadway and the need for public safety access.

Mr. Starrett reiterated the two hour parking would free up parking spaces; however, this proposal eliminated half of same.

Councilmember McCormick inquired if three hour parking would be preferable.

Mr. Starrett responded affirmatively.

Mayor Friedman explained the two hour parking was not a part of the proposed ordinance, adding staff would need to revisit the previously adopted ordinance with regard to same.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Goldberg **MOVED** approval with the Sullivan Street parking limitations to end at Virginia Avenue and the diagonal parking to be retained on Herald Court, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

ZA-11-09 – 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 3, providing for development plan approval for all development and uses, except single family and two family uses; 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.

ZA-13-09 – 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 3, Regulating Districts, amending Subsection 3.13., SRO, Special Residential Overlay District, amending Sub-Subsection 3.13.(h) Front Yard Parking to prohibit

parking in side and rear yards; amending Sub-Subsection 3.13.(i) clarifying parking on vacant land or right-of-way; providing for conflicts and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

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

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Councilmember Wallace pulled item E-2. He stated as the first priority was an interconnect, he was unsure why millions of dollars would be spent on this project.

Mayor Friedman stated same was a result of the dissolved solids as the City's exemption from the acceptable levels was due to expire.

Mr. Tom Jackson, Utility Director, added same was a result of a change in the rule regarding total dissolved solids (TDS).

Councilmember Wallace reiterated a previous plan for an interconnect was to have resolved same.

Discussion ensued with regard to proposed pipeline locations.

Councilmember Wallace opined same was a waste of funding, stating it should be reevaluated.

Mayor Friedman reiterated the City would be required to meet the new standards, adding the proposed reverse osmosis (RO) plan was the least expensive. He suggested a concurrent exploration into a continued waiver from the State with regard to the TDS standards as the majority of states did not have such standards.

Councilmember Wallace reiterated with the lower demands for water, the cost of same would be borne by the current rate payers.

Councilmember McCormick spoke in favor of the RO plant, adding he felt an increase in the water usage would happen within the next two to three years.

Mayor Friedman asked if staff proceeded to attempt to obtain a waiver, how long same would take and when the engineering on the RO would be required to commence. He further asked what would transpire if the City didn't meet the new standards.

Mr. Jackson opined a waiver request would not be well received by the State, adding larger utilities had been turned down. He stated the engineering was already behind to make the 2011 deadline for RO. He concluded daily fines were associated with violations to the TDS standards.

Councilmember Goldberg stated purchasing water from another entity to assist with the City's TDS levels would be at a higher rate.

Councilmember Albers stated he felt the City should remain self reliant rather than dependent on other utilities.

Councilmember McCormick stated the proposal would improve the quality of the City's water.

City Manager Kunik recalled City Council had voted in March, 2009 to proceed with this project.

Councilmember Wallace reiterated it was the \$28,000,000 funding that concerned him, adding he wished to ensure staff had considered all options.

Councilmember Goldberg acknowledged the cost; however, there were no other alternatives that were less expensive.

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

VOTING AYE: Goldberg, Albers, McCormick, Friedman.

VOTING NAY: Wallace.

MOTION CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

A. CITY CLERK'S OFFICE

1. Approval of Minutes: Regular Meeting of August 19, 2009

B. LEGAL DEPARTMENT

1. Monthly Litigation Report
2. Statements of the Farr Law Firm for services rendered in July 2009
3. Statement of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq., through August 25, 2009

C. GROWTH MANAGEMENT DEPARTMENT

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving submission of a Transportation Investment Generating Economic Recovery (TIGER) Grant application as provided for under the American Recovery and Reinvestment Act of 2009 to the U.S. Department of Transportation; authorizing the City Manager to execute the application and the Growth Management Director to administer the grant on behalf of the City.

D. CITY MANAGER

1. A Resolution of the City Council of the City of Punta Gorda, Florida, supporting Charlotte County's application for Transportation Investment Generating Economic Recovery (TIGER) Grant funds as provided for under the American

Recovery and Reinvestment Act of 2009 for the Southwest Florida Intermodal and Logistics Center project

2. A Resolution of the City Council of the City of Punta Gorda, Florida, supporting Charlotte County's application for Transportation Investment Generating Economic Recovery (TIGER) Grant funds as provided for under the American Recovery and Reinvestment Act of 2009 for the Charlotte Harbor Community Redevelopment Agency Harbor Walk project

E. FINANCE DEPARTMENT

1. Contract Award to Kuxhausen Construction, Inc. of Sarasota, FL for Construction of East Side Sewer Group (ESSG) Lift Station 207 and Force Main.
2. Contract Award to Tetra Tech, Inc. - Engineering and Design Services for the Water Treatment Facility Reverse Osmosis Expansion.

NOTE: A short break was called at 10:30 a.m.

UNFINISHED BUSINESS

Results of Meeting with Boat Club Representatives

Councilmember Albers reported they had discussed a better utilization of the waterfront, additional waterfront activities and to provide opportunity to youth who wished to learn to sail and boat. He advised Boat Club representatives were very keen toward working cooperatively with another entity such as the YMCA to utilize the facility for classes, restrooms and maintenance of storage racks. He noted they discussed the possibility of improving the existing boat launch, installation of a floating dock and ramp off the seawall and the possible need for a beach launch area. He stated issues such as liability and ramp usage by other entities would need to be addressed. He recommended Weiler Engineering be tasked with working with the Boat Club toward conceptual design of this area.

Councilmember McCormick mentioned an area on the drawing where it looked as if there was a lack of continuity.

Councilmember Wallace inquired if the sailing center would be able to use the facility.

Councilmember Albers responded affirmatively, adding the Boat Club desired to work with another entity. He stated the facility would be leased, which would provide revenue to the Boat Club for further improvements to the building. He concluded the Boat Club recognized the building was underutilized.

City Manager Kunik advised this area had been left off of Weiler's contract.

Councilmember Albers **MOVED** approval to add this area to the contract, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

FY 2010 Strategic Plan

City Manager Kunik stated focus areas and objectives had been recommended by staff at Council's August 5, 2009 meeting, drawing members' attention to the proposed plan, as delineated in the agenda material. He provided a brief summary of items contained within the plan.

Councilmember Goldberg requested the source of funds for the projective costs be identified. He then requested clarification between the first and third projects listed under waterfront.

City Manager Kunik responded same were a result of different suggestions, adding the two could be incorporated into one project.

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

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Seawall and Seawall Cap Engineering Study

Mr. Bill Dixon, Punta Gorda Isles (PGI) Canal Advisory Committee (CAC), advised members held a discussion on the current fabrication and construction methods of seawalls and seawall caps, including all aspects of drainage. He explained the committee recommended City Council fund an engineering study, using a recognized waterfront experienced civil/structural firm to review the current methods and make appropriate recommendations to the City with regard to same. He concluded members recommended the cost of the study not exceed \$25,000.

Mayor Friedman recalled staff had previously indicated they were comfortable with the method being used presently, asking if staff still felt the same.

Mr. Rick Keeney, Public Works Director, provided a summary of seawall maintenance and changes to the standards being utilized. He stated staff evaluated different alternatives, adding they continued to be comfortable with the method being used.

Councilmember Goldberg asked if staff reviewed the methods with structural engineers.

Mr. Keeney responded in the negative, stating the City Engineer reviewed same.

Councilmember Albers inquired if the City's maintenance contractor utilized a structural engineer.

Mr. Keeney responded they used the City's design, noting City staff constructed the seawall panels that were utilized by the contractor.

City Manager Kunik clarified that while staff was comfortable with the present method, there was no objection to having an independent review.

Councilmember McCormick noted the Committee's in-depth discussion, suggesting members follow their suggestion.

Councilmember Goldberg questioned the funding source.

City Manager Kunik responded same should come from the Canal Maintenance budget.

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

MOTION UNANIMOUSLY CARRIED.

Discussion of Non-Conforming Signs

Mayor Friedman advised the City Attorney had found additional information related to this discussion that was not known prior to this time.

City Attorney Levin advised when the provision of the Land Development Regulations (LDRs) requiring removal of non-conforming multi-use signs was adopted, staff was unaware that the Legislature had adopted a statute prohibiting the amortization of non-conforming signs. He stated the law now said if a municipality was going to require the removal or alteration of an existing sign, the agency must pay compensation for same. He acknowledged this was a change to previous practices, adding the City's code was now contrary to Florida Statutes. He recommended the code be modified by Ordinance to strike that provision.

Mayor Friedman opined members were most likely troubled in that multi-use and single-use properties were not handled in the same manner, seeking consensus to direct staff to amend the code to come into compliance with the statute. He noted consideration must be given to annexation in that the same statute would apply to non-conforming signs, thus negotiations should include discussion of same.

City Manager Kunik inquired if staff was still able to require the signs to come into compliance when a change of ownership or use occurred.

City Attorney Levin responded he would need to research same further and report back to members.

Consensus of members was to authorize staff to amend the code.

West Marion Avenue and Bal Harbor Boulevard Delineators

Councilmember Albers commented on the constant repair due to the delineators being broken off or run down, noting the annual replacement cost of \$2,000. He added a discussion occurred with regard to changing to a lower profile, button style delineator, noting staff had been directed to attempt to gain enough property to increase the inside of the curb prior to consideration of other alternatives, adding an easement was now in place and the lane had been widened. He concluded by requesting consideration of the button style delineators at a cost of \$600.

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

Mr. Steve Fabian stated the small delineators would not keep people from driving in the other lane, opining the safety of citizens was not worth the \$2,000.

Mr. Dixon spoke in favor of the current delineators.

Mr. Bill Hughes mentioned the rubber stops used in Burnt Store Marina which controlled traffic effectively.

Councilmember Goldberg stated if there was a better, low profile device that would warn drivers more so than the button style, staff should explore same.

Mayor Friedman suggested staff research other low profile delineators, including that suggested by Mr. Hughes and report back to members for a final decision.

Councilmember Albers **WITHDREW** the **MOTION**.

Councilmember Wallace **WITHDREW** the **SECOND**.

Consensus of members was for staff to provide a recommendation for a better, low profile delineator for presentation to members.

RECOMMENDATIONS FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik advised the County had no agenda items, adding Councilmember Wallace suggested the County and City denote all economic incentive projects for a discussion of how both could work toward moving same forward.

Consensus of members was to agree with same.

Mayor Friedman suggested other items be added to the agenda if a meeting would be held, such as a status update on Aqui Esta improvements.

Councilmember McCormick suggested a discussion toward the disparity of services provided as opposed to taxes paid by City residents.

Consensus of members was to discuss same one on one with the individual Commissioners.

BOARDS AND COMMITTEES

Announcement of Vacancies

Burnt Store Isles Canal Advisory Committee

City Clerk Foster announced the vacancy.

Building Board – Alternate

City Clerk Foster announced the vacancy.

Code Enforcement Board

City Clerk Foster announced the vacancy.

Firefighters' Pension Board

City Clerk Foster announced the vacancy.

Punta Gorda Isles Canal Advisory Committee

City Clerk Foster announced the vacancy.

Nominations

Revitalization Committee (4)

Councilmember Albers **MOVED** to nominate and appoint Ms. Weiler and Messrs. Bischoff and LaFleur and to continue the remaining vacancy, **SECONDED** by Councilmember McCormick.

MOTION UNANIMOUSLY CARRIED.

Historic Preservation Advisory Committee

Councilmember Albers **MOVED** to nominate and appoint Ms. Bettmann, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

Appointments

Code Enforcement Board – Alternate

Voting forms were distributed.

City Attorney Levin announced Ms. Albers had received the most votes and was therefore appointed to the Code Enforcement Board as an alternate member.

Firefighters' Pension Board

Councilmember Goldberg **MOVED** to confirm Mr. Briggs' appointment, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

CITIZENS' COMMENTS

Mr. Fabian recalled some citizens' comments during public meetings that Punta Gorda did not wish to be like Naples, adding he had heard one of Naples' Commissioners had indicated they would like to design their waterfront like Punta Gorda's.

Mr. Jon Shattuck spoke favorably toward working with the Boat Club as same would offer a huge plus to educational programs for children. He cautioned if the members felt the potential use of that property would negate the use of Shreve Park as well for small boat launching as both would be necessary for a variety of reasons. He concluded by recommending a member of the Waterfront Development Advisory Committee be appointed to work with Weiler Engineering toward the design of that area.

Mayor Friedman stated the motion was not to exclude Shreve Park, but rather to include the Boat Club property.

Ms. Bettmann thanked members for her appointment to the HPAB. She cautioned members not to let the joint City/County meetings fall by the wayside.

Mr. Ray Rose stated it appeared that both Punta Gorda and Charlotte County were beginning to enter into an information vacuum due to many residents going to satellite television, there being no television news station located within Charlotte County and the loss of one of the local newspapers. He stated he felt the coverage by the remaining local newspaper had been reduced to such a level that there was no value to same. He suggested the City and County look into methods of remedying this situation.

Mayor Friedman suggested same be discussed at the joint meeting.

The meeting was adjourned at 11:35 a.m.

Mayor

City Clerk