



**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, NOVEMBER 3, 2010 9:00 A.M.**

**COUNCILMEMBERS PRESENT:** Goldberg, Albers, Wallace, Keesling

**COUNCILMEMBERS EXCUSED:** Friedman

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

**Mayor Goldberg** called the meeting to order at 9:00 a.m.

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

**COUNCIL REORGANIZATION**

**PRESENTATION BY CANVASSING BOARD**

**Results of November 2, 2010 Election**

City Clerk Foster reported the Canvassing Board had met this date and certified the results, announcing same as follows:

John P. Chalifoux - 2,780

Charles Wallace - 5,071

**Oath of Office**

City Clerk Foster swore in Councilmembers Goldberg, Keesling and Wallace.

**Election of Mayor**

City Attorney Levin opened the floor for nominations for Mayor.

Councilmember Albers **NOMINATED** Councilmember Goldberg.

**Mayor Goldberg** was appointed by acclimation.

**Election of Vice Mayor**

**Mayor Goldberg** passed the gavel to City Attorney Levin and **NOMINATED** Councilmember Albers.

**Councilmember Albers** was then appointed Vice Mayor by acclimation.

**Mayor Goldberg** mentioned the advertised shade meeting to occur following this meeting, stating same could be postponed until the next meeting in light of Councilmember Friedman's absence.

**Councilmember Wallace** spoke in opposition as fines were accruing.

**Councilmember Albers** inquired if doing so would impair the City's position.

City Attorney Levin responded in the negative, stating the next court date was not until December 3, 2010.

Councilmember Albers **MOVED** to postpone the shade meeting until November 17, 2010.

Motion **DIED** for lack of **SECOND**.

**Mayor Goldberg** stated the shade meeting would be held following this meeting.

### **PROCLAMATION/PRESENTATIONS**

#### **Introduction of Board/Committee Members Nominees**

Ms. Jan Sidebottom introduced herself as a nominee for Historic Preservation Advisory Board Alternate.

**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 23, Traffic, Code of Ordinances, City of Punta Gorda, Florida, adding a new Section 23-21 prohibiting the parking of vehicles with signs, graphics, or printing which are used primarily for advertising; amending Section 23-14(1) relating to penalties; amending Section 23-14(c) relating to citation contests; amending Section 23-19 holding registered owners responsible for violations; providing for conflict and severability; and providing an effective date.**

#### **FIRST READING**

City Attorney Levin read the ordinance by title, explaining this was a new ordinance which related to the use of signage on vehicles predominantly for advertising rather than the previous ordinance which dealt with where such vehicles could be parked. He noted same was patterned after the City's pre-2005 ordinance and Charlotte County's present ordinance.

Mr. Ed Wotitzky, Punta Gorda Chamber of Commerce (PGCC) attorney, stated the Chamber supported this version of the ordinance as same addressed the intent to restrict vehicles used only for advertising and detracted from the appearance of the City. He voiced confidence City staff would enforce same appropriately.

Mr. Dennis Clark asked if the Truly Nolen cars would be impacted, stating they were popular to many.

Ms. Sally Mere stated she felt the proposal prohibited businesses from making a profit. Ms. Tara Polk, Babcock Furniture, clarified they would be able to park their business truck on the property after hours.

**Mayor Goldberg** explained if the intent of the truck was for service and delivery, it would not be impacted.

**Councilmember Wallace** stated the truck could not be parked sideways to be viewed from US 41.

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

**MOTION UNANIMOUSLY CARRIED.**

**Councilmember Albers** asked if the City had an ordinance in place for enforcement of unpaid parking tickets.

City Manager Kunik responded the City did not at this time, adding actions were being undertaken to employ a collection agency and to work with the State with regard to placing a hold on registrations for unpaid parking tickets.

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

**MOTION UNANIMOUSLY CARRIED.**

#### ORDINANCE/RESOLUTION

#### **No Public Hearing Required**

An Ordinance of the City of Punta Gorda, Florida, amending Chapter 23, Traffic, City Code of Ordinances, adding a new Section 23-21 prohibiting the parking of vehicles and trailers with signs, graphics or printing in certain area of non-residential zoned properties; amending Section 23-14(a) relating to penalties; amending 23-14(c) relating to citation contests; amending Section 23-19 holding registered owners responsible for violations; providing for conflict and severability; and providing an effective date.

**SECOND READING**

**Continued from October 6, 2010**

City Attorney Levin read the ordinance by title.

**Mayor Goldberg** mentioned the proposed ordinance was the previous version, noting same could be denied in light of the approval on first reading of the previous agenda item.

Councilmember Keesling **MOVED** denial, **SECONDED** by Councilmember Wallace.

**MOTION UNANIMOUSLY CARRIED.**

ZA-16-10 – 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, Section 3.13, SRO, Special Residential Overlay

**District, Subsection (s) Real Estate Signs, and amending Article 11, Sign Standards, Section 11.3, Permitted Signs, Subsection (I), Real Estate Directional Signs, extending the provision for off-premises open house signs on developed private property; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

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

**MOTION UNANIMOUSLY CARRIED.**

**CONSENT AGENDA**

**Councilmember Albers** pulled item D-1, stating he felt the City should not expend \$2,000 for an appraisal as he felt the realtor could perform that function.

City Manager Kunik stated Councilmember Friedman had questioned if the City should try to sell the property in this market, adding it was no longer needed by the City. He stated the value may increase in the upcoming years, thus it may make sense to lease same at this time.

**Councilmember Wallace** inquired if there would be property taxes if the City leased same.

City Manager Kunik responded affirmatively if it were a private individual.

**Mayor Goldberg** stated he was in favor of delaying the sale.

**Councilmember Keesling** asked if the appraisal costs would be foregone if the property was leased.

City Manager Kunik responded affirmatively.

**Councilmember Albers** reiterated his objection to paying for an appraisal.

Councilmember Albers **MOVED** to table item D-1, **SECONDED** by Councilmember Wallace.

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

**A. City Clerk's Department**

1. Approval of Minutes: Regular Meeting of October 20, 2010

**B. Finance Department**

1. Agreement award to Edwards Angell Palmer & Dodge LLP of West Palm Beach, FL for debt counsel services.
2. Agreement award to Nabors, Giblin & Nickerson of Tampa, FL for bond counsel services.

**C. Growth Management Department**

1. SCA 04-10 MY Promotions Spring Arts & Crafts Show; March 4-6, 2011; Gilchrist Park
2. SCA-03-10-MY Promotions Snowbird Arts & Crafts Show; January 7-9, 2011; Gilchrist Park

**D. Public Works Department**

1. Disposal or Lease of Surplus City-Owned Property

**E. Legal Department**

1. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq. through October 28, 2010
2. Monthly Litigation Report

**UNFINISHED BUSINESS**

**False Alarm Reduction and Management Program - Continued Discussion**

**Councilmember Albers** stated he had considered the previous action, noting the false alarms were caused by a minority of alarm owners. He stated while he felt the fines should be increased and the school system not be exempted, he did not feel the City should go forward with a registration process.

**Mayor Goldberg and Councilmembers Wallace and Keesling** agreed.

Discussion ensued with regard to the fee schedule with a consensus to increase the fifth false alarm to \$100.

**Councilmember Keesling** recalled Charlotte High School had issues with their alarm due to the construction, asking if the City had worked with them regarding same.

Mr. Troy Bettencourt, Police Department, stated the reports were taken after construction was completed, opining the many false alarms were due to people being on campus after hours.

**Mayor Goldberg** inquired how the school could be educated.

Mr. Bettencourt responded plans were in place to provide written material to the key holder.

**Councilmember Wallace** asked how an alarm was determined to be false.

Mr. Bettencourt stated any alarm not going off due to a public safety or health and safety issue was considered to be false.

**Mayor Goldberg** advised over 800 false alarms occurred in a year.

Police Chief Butch Arenal stated weather related alarms were not fined.

Discussion ensued with regard to enforcement and collection of fines.

### **NEW BUSINESS**

#### **Six Sigma Project - Purchasing Card and ePayables Program**

Ms. Marian Pace, Procurement Manager, displayed a PowerPoint presentation, as delineated in the agenda material, providing a detailed description on the program and its benefits. She stated by piggybacking on the State's program, the City would be eligible for cash rebates on many of its allowed purchases up to \$25,000. She advised construction purchases and the solicitation process would be excluded. She then mentioned the increased efficiencies of utilizing the program as opposed to the current purchasing requisition process. She displayed a graph denoting the implementation plan and associated time line, noting all departments would be participating by the third quarter of 2011. She then advised the total cost of implementation was \$14,715 with an anticipated two year benefit of \$66,785 with a second quarter implementation or a \$52,285 two year benefit with a third quarter implementation. She concluded by denoting the program controls.

**Councilmember Keesling** inquired if there was a cost to piggyback the existing agreement.

Ms. Pace responded in the negative, unless extras were requested such as personalized credit cards.

**Mayor Goldberg** spoke favorably of the program, asking the likelihood of a second quarter implementation.

Ms. Pace responded same was dependent on software availability and installation.

City Manager Kunik acknowledged the program was operational; however, he felt Council should be informed of major changes such as the proposed program. He advised staff would bring the policy and necessary agreements to members for approval at the next meeting.

#### **Review of Public Hearing Process for Variance Requests that may affect Seawall Integrity**

Ms. Teri Tubbs, Zoning Official, mentioned a recent variance request for a sidewalk located adjacent to a seawall, stating staff realized there was no requirement for the canal maintenance committee to review same. She stated staff felt a requirement for that type of review should be included in the public hearing process so as to ensure the proper entities reviewed all future requests. She stated if approved, staff would prepare an ordinance amendment to require same.

Consensus of members was to approve same.

## RECOMMENDATION FROM CITY OFFICERS

### CITY MANAGER

City Manager Kunik reported the meeting regarding the School Resource Officer program would be held on Friday, adding they would be meeting with the School Board and Sheriff's Department to request additional funding for same. He then drew members' attention to the letter from Charlotte County, as delineated in the agenda material, requesting the City's participation in the mediation related to the interconnect. He advised he and the Utility Director would attend same. He then asked for an explanation of the dispute.

Mr. Tom Jackson, Utility Director, stated the proposed change order, initiated by the Peace River/Manasota Regional Water Authority (PRMRWA), would delay replacement of the existing 18" waterline with the proposed 24" line as the construction bids have come in over the budgeted \$19,000,000 cost. He stated the City's engineers had advised the smaller pipe would be sufficient for the present time; however, Charlotte County had insisted on mediation.

City Manager Kunik advised while the City was a part of the interlocal agreement, they had no funding allocated to the project, adding the issue was who would be required to fund the additional costs for replacement of the line. He reported the City would not be involved in the funding issues.

**Mayor Goldberg** inquired as to the estimated cost.

Mr. Jackson responded \$2,000,000.

**Mayor Goldberg** confirmed the smaller line would suffice.

Mr. Jackson responded affirmatively, adding the limiting factor was the City's plant capacity.

Mr. Clark asked why the interconnect had to travel under the Peace River as same was expensive.

Mr. Jackson responded that was not the portion of the pipeline being disputed, adding PRMRWSA had commissioned the plans and handled the permitting.

### BOARDS AND COMMITTEES

#### **Announcement of Vacancies**

Building Board Alternate

City Clerk Foster announced the vacancy.

Historic Preservation Advisory Board Alternate (2)

City Clerk Foster announced the vacancies.

Utility Advisory Board

City Clerk Foster announced the vacancy.

## **Nominations**

Historic Preservation Advisory Board (3)

Councilmember Albers **MOVED** to nominate and reappoint Ms. Lisby, Mr. Cote and Ms. Lyons, **SECONDED** by Councilmember Keesling.

**MOTION UNANIMOUSLY CARRIED.**

## **POLICY AND LEGISLATION**

**KEESLING:** Thanked those in attendance for their support.

## **CITIZENS' COMMENTS**

Mr. Steve Fabian mentioned the many Volunteers in Policing (VIP) who assisted with the Halloween event this past weekend, commending the hours of assistance they provided. He then mentioned the destruction of the Punta Gorda Housing Authority (PGHA) by Hurricane Charley, stating Charlotte County had received funding for rehabilitation of damaged properties; however, none had been allocated to the PGHA. He stated Habitat for Humanity had received funds to construct owner occupied housing, which the PGHA felt was not allowed by the program restrictions. He stated the City was being asked to support their request to the County for \$1,200,000 in funds for the senior housing project planned for Airport Road.

**Councilmember Albers** voiced support, requesting members direct the City Manager draft a letter to the County Administrator in support of the PGHA request.

Discussion ensued with regard to the timing of County approval.

Consensus of members was for the Mayor to send a letter to the County Commission Chair.

The meeting was adjourned at 10:39 a.m.

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Mayor

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City Clerk