



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JULY 13, 2011 9:00 A.M.**

COUNCILMEMBERS PRESENT: Goldberg, Albers, Wallace, Friedman

COUNCILMEMBERS EXCUSED: Keesling

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.

Mayor Goldberg moved the following agenda item to the beginning of the meeting.

Airport Update - Gary Quill, Charlotte County Airport Authority Executive Director

Mayor Goldberg introduced Mr. Quill.

Mr. Quill displayed a PowerPoint presentation, as delineated in the agenda material, providing a history of the airport since its inception in the 1940s. He stated the airport was not supported by property tax revenue, but rather as a special district and the use of grant funds. He provided detail of improvements underway at this time, stating the airport commerce center was also under development. He displayed aerial photographs of the various components of the airport property, stating many improvements had been made since the destruction resulting from Hurricane Charley. He drew members' attention to a listing of businesses providing an economic impact to the area, as delineated in the agenda material. He displayed slides of the preferred flight plans, noting the new air traffic control tower would enable them to improve on same. He concluded \$45,000,000 had been expended over the past seven years for improvements, noting there were now three commercial airlines utilizing the airport. He concluded by displaying a rendering of the upcoming expansion of the terminal, noting completion was estimated in 19-20 months.

Mayor Goldberg inquired who would man the control tower.

Mr. Quill responded it would be manned by a company called RBA under contract to the Federal Aviation Administration (FAA).

PUBLIC HEARINGS

A Resolution of the City Council of the City of Punta Gorda, Florida, approving the 2011 Community Development Block Grant Action Plan for the City of Punta Gorda and authorizing Staff to submit all approved documents to the Department of Housing and Urban Development.

FIRST PUBLIC HEARING

City Attorney Levin read the resolution by title.

Mayor Goldberg called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

ZA-08-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26, Punta Gorda Code known as "The Land Development Regulations", Article 11, "Sign Standards", amending Section 11.3, "Permitted Signs", Subsection 11.3.(c) Changeable Copy Signs, removing provision regulating content and renumbering accordingly; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Ms. Teri Tubbs, Zoning Official, stated elimination of certain verbiage would remove the violation of the first amendment rights of the U.S. Constitution which allowed free speech.

Councilmember Friedman stated Council had spent much time to clean up the sign clutter along US 41, adding a few exceptions had been made to allow changeable copy signs such as for gas stations with changing prices. He pointed out the exceptions did not include the majority of businesses. He stated the proposed amendment essentially encouraged businesses to display messages which did not relate directly to the business, opining additional sign requests would be forthcoming. He questioned whether this was the image that was desired for those traversing the City's roadways. He stated, as written, there would be no mechanism to prohibit same. He reported the City Attorney had advised prohibition of changeable copy signs would not invite liability so long as those with the signs currently were not required to remove same.

Mayor Goldberg stated the proposed amendment addressed sign content, adding he did not believe same would cause additional requests for signs. He stated he felt if the

use of same in a controversial manner became an issue, public comment would indicate it was inappropriate. He voiced his support of utilizing the signs to promote local events.

Councilmember Wallace pointed out the types of businesses which were allowed this type of sign would not proliferate.

Councilmember Friedman questioned how Council would determine which businesses would be allowed to have a changeable copy sign if requests were made, noting same would be subjective. He stated with the exception of gas stations which only changed the price on the sign, changeable copy signs were not necessary for other businesses. He reiterated his request to eliminate the signs from the code.

Councilmember Albers commented there were many more changeable copy signs than were permitted, suggesting it might be possible to prohibit same from this point forward so as not to impact those with existing signs. He concurred the public would not stand for offensive signage.

Councilmember Wallace inquired if staff had received any requests for changeable copy signs.

Ms. Tubbs responded there were one or two.

Mayor Goldberg called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Wallace **MOVED** approval with direction to hold a discussion with regard to prohibiting changeable signs at a future meeting, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

QUASI-JUDICIAL PUBLIC HEARINGS

SV-01-11 - A Resolution of the City Council of the City of Punta Gorda, Florida vacating that undeveloped right-of-way being a portion of Block 109, running east to west and lying between Lots 1 through 9 and Lots 10 through 18, Town of Punta Gorda, being an unimproved 41 foot wide street according to the plat thereof as recorded in Plat Book 1, Page 14 of the Public Records of Charlotte County, Florida containing 17,858 square feet; and providing an effective date.

City Attorney Levin read the resolution by title.

Mayor Goldberg advised the applicant had requested a continuance to the August 10, 2011 meeting.

Councilmember Albers **MOVED** to continue SV-01-11 to August 10, 2011, **SECONDED** by Councilmember Wallace.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

ZA-06-11 - An Ordinance of the City of Punta Gorda, Florida, amending chapter 26, Punta Gorda Code, known as "The Land Development Regulations", Article 12, "Landscaping Standards", amending Section 12.10, "Prohibited Plants"; providing certain exceptions to removal requirement for existing developed single-family property; providing requirement for hold harmless agreements; providing maintenance requirements for retained prohibited species; providing exceptions for certain banyan and ficus trees; providing modification to the list of prohibited plants and trees; 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 Friedman.

MOTION UNANIMOUSLY CARRIED.

GA-13-11 An Ordinance of the City of Punta Gorda, Florida, amending Chapter 12, Punta Gorda Code, implementing legislative changes made to the Local Business Tax Act; providing for conflicts and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

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

MOTION UNANIMOUSLY CARRIED.

GA-15-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 16, "Parks", Punta Gorda Code; amending Section 16-4, "Regulations", providing provisions for overnight parking in city parks; amending Chapter 23, "Traffic", Article II, "Parking Areas", Punta Gorda Code; amending Section 23-15, prohibiting parking on walkways and courtyards; amending Section 23-17, eliminating on-street parking on Grace Street; adding new section 23-23, providing parking provisions in city lots, garages, public streets and other property; 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 Friedman.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

A. City Clerk's Department

1. Approval of Minutes: Regular Meeting of July 6, 2011

B. Finance Department

1. Agreement award to Marine Contracting Group, Inc. of Punta Gorda, FL for construction of Harborwalk small boat launch and seawall replacement of Gilchrist Park.

C. Growth Management Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving submission of a Boating Infrastructure Grant Program Application to the Florida Fish and Wildlife Conservation Commission; authorizing the Urban Design Manager to execute application and administer the grant; and providing an effective date.

D. Legal Department

1. Invoice of Allen, Norton & Blue, P.A. for services rendered in May 2011

UNFINISHED BUSINESS

Approval of Amendment 8 to Solicitation #U2008007/ENG-HARBORWALK for design and permitting of Best Western Harborwalk.

City Manager Kunik advised the City has had no response from the Best Western with regard to the agreement wherein the City would construct this portion of the Harborwalk with no reimbursement from Punta Gorda Hotel (PGH), adding the agreement would provide for design and permitting which was estimated to take 18 months.

Mayor Goldberg inquired as to the time involved with design only.

Mr. Mike Giardullo, Weiler Engineering, estimated same at four months.

Mayor Goldberg voiced support in authorizing the design, with the hope that the City could gain PGH's approval prior to commencing the permitting phase.

Councilmember Wallace inquired as to the status of the foreclosure of the Best Western property.

City Manager Kunik expressed uncertainty.

Councilmembers Wallace and Albers expressed discomfort with expending funds without a signed agreement.

Mayor Goldberg confirmed the design was estimated at \$69,000.

Councilmember Wallace opined foreclosure action could prevent any improvements on the property.

City Attorney Levin stated his discussions with the bank's attorney had indicated the bank would be more favorable of the improvements if the agreement were signed by the current owner.

Councilmember Friedman inquired if the City's existing agreement with the City had been considered in the foreclosure process.

City Attorney Levin stated the City had been advised the former bank had signed off on same, adding same would hold the successor to the same agreement.

Discussion ensued with regard to the status of the foreclosure process in regard to the City's agreements.

Councilmember Friedman commented if the City's current agreement to gain a landward easement was still in effect, he did not foresee a problem with going forward with design.

City Attorney Levin responded the amended proposal to allow a waterward walkway as well, was not included in the previous agreement and would require the owner's approval.

Councilmember Wallace stated he would be more comfortable if a signed agreement was in hand.

Councilmember Albers **MOVED** approval to direct the City Manager to gain approval of the property owner and Premier Bank, **SECONDED** by Councilmember Wallace.

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Discussion on the regional priority list for TRIP (Transportation Regional Incentive Program) Funding and RTEP (Regional Transportation Enhancement Program) Funding.

Councilmember Friedman explained he attended a joint meeting of the regional Metropolitan Planning Organizations (MPO) wherein funding which had been delegated to Charlotte County projects which were not completely designed could be reallocated to the City's Harborwalk project which was already designed; however, subsequent meetings had shown that Charlotte County had in actuality submitted completed plans and were wishing to advance the funds pending repayment from the MPO. He stated MPO funding would come available in 2016, which could not be advanced by the City until 2014. He recommended moving forward with Zone 7 as planned and consider the remainder when funding came available.

Councilmember Albers inquired where the incorrect information came from.

City Manager Kunik stated staff had made a mistake, adding same was being handled in-house.

Councilmember Wallace stated it appeared the County had 100% design, asking if it would be possible to appeal to the County Commission that the City's project would be more beneficial to the County as a whole.

City Manager Kunik explained the only reason the City was contemplating moving the project up on the project list was because it had understood the County wasn't ready to begin, thus at this time the City should move forward with Zone 7 rather than waiting until 2014.

Consensus of members was to do so.

Mayor Goldberg confirmed the Charlotte County gateway project was facilitated by the Charlotte Harbor Community Development Agency (CRA), inquiring if the design had been presented at a public meeting.

Councilmember Friedman advised the CRA had recommended same, however, the project was being managed by County staff. He stated there was always a chance the Florida Department of Transportation (FDOT) may not approve same, adding permitting would also take a great deal of time. He stated at this stage the City was successful in gaining stature on the regional priority list, should anything change with regard to the County's project.

Councilmember Albers suggested the following agreement be approved contingent on the City Manager ascertaining there were no changes with the County's project status.

Award of Amendment #9-Design/Engineering Services – Harborwalk West - Zone 7 phasing to Weiler Engineering Corporation in accordance with the Master Agreement U2008007 Harborwalk and Amenities Design.

Councilmember Albers **MOVED** approval contingent on the City Manager ascertaining the County's project would gain the FDOT funding rather than the City, **SECONDED** by Councilmember Friedman.

MOTION UNANIMOUSLY CARRIED.

Discussion regarding issues arising from vendors setting up on public and private properties without permits or approvals.

Ms. Tubbs advised staff had been made aware of incidents of unauthorized vending on public and private properties, explaining the code was unclear as the use was not listed as permitted or prohibited. She drew members' attention to Charlotte County's regulations with regard to same, as delineated in the agenda material, stating staff was seeking direction as to whether to modify the City's code in a similar manner.

Councilmember Albers concurred the City should have some control as to where and when vendors could set up.

Consensus of members was to direct staff to draft an ordinance.

Mr. Jay Buckley stated fishing and tour guides who did not have a local business tax receipt were utilizing the City's parks to pick up their customers.

Ms. Tubbs responded staff responded to a complaint where a kayak tour guide had indicated the park was solely a meeting place.

RECOMMENDATION FROM CITY OFFICERS

CITY ATTORNEY

City Attorney Levin advised he would be attending the annual municipal attorney conference the following week.

City Clerk

Designation of voting delegate for Florida League of Cities' annual conference.

City Clerk Foster advised in past years, Council had appointed a delegate and an alternate, mentioning Councilmembers Albers and Wallace were attending this year.

Consensus of members was to nominate Councilmember Wallace as delegate and Councilmember Albers as alternate.

CITY COUNCIL BUDGET

A Resolution of the City of Punta Gorda, Florida, Adopting a Tentative Millage Rate For Fiscal Year 2012

City Attorney Levin read the resolution by title.

Ms. Sharon Knippenberg, Controller, displayed a PowerPoint presentation, as delineated in the agenda material, stating it appeared the trend for reduction in property values was slowing. She then addressed the necessary mill levy to provide for road paving funds, stating if all available reserve funds were utilized, a .0211 mill would be necessary. She then stated if the rollback rate was used, keeping some funds in reserves for 2013, the necessary levy would be .0935 mills. She displayed a slide denoting the effect on homes valued at \$150,000 and \$300,000. She then displayed proformas denoting each scenario.

Councilmember Albers pointed out a change had been made to correct the anticipated reserve amount in the amount of \$390,000 as well as the 2013 proforma anticipating a flat property value amount which had not happened in many years. He mentioned health care costs would most likely not remain at the current level. He stated he felt some funds should be reserved for 2013 as the budget had been cut as much as it could be over the last several years.

Mayor Goldberg concurred, adding the effect to the taxpayers of utilizing the rollback rate was minimal.

Councilmember Friedman commented the drop in property values was less than in previous years, adding the available reserve amount had come in higher each year. He stated the budget had been processed on an estimated 4% decrease in values and maintaining a 5% reserve, adding as the values came in better than anticipated the options were to maintain a larger reserve or to return the money to the taxpayers.

Councilmember Albers responded either scenario was appropriate; however, his preference was to maintain the funds in reserve as the following year would be problematic as well.

Mayor Goldberg concurred, adding the change in rates to the property owner was minimal. He stated the action this date was to set a not to exceed rate, which could be reduced if there were any changes in values.

Councilmember Albers pointed out both scenarios contemplated an increased millage rate.

Councilmember Friedman voiced objection to an increased reserve.

Councilmember Wallace stated he was inclined to agree with Councilmember Friedman in that the funds should be retained by the taxpayer.

Ms. Knippenberg commented Advanced Life Support (ALS) had been added to the budget utilizing fund reserves, adding same would continue in future years.

Councilmember Albers pointed out the rollback rate simply met the City would be collecting the same amount of taxes as had been collected in the previous year.

Councilmember Friedman countered lower taxes had been collected in previous years.

Mayor Goldberg stated the City had been maintaining a 5% reserve, adding as the economy improved, same should be increased to 10%. He opined the ability to reduce expenses was decreasing, thus having the ability to ameliorate same by maintaining additional reserves, was a plus.

Mr. Bill Folchi commented there were citizens who did not agree with increased taxes. He acknowledged same was a small amount; however, Council must realize there was less money and expend less.

Mr. Steve Fabian inquired what decrease had been utilized to project the assessed value for 2013.

Ms. Knippenberg responded no decrease was utilized.

Discussion ensued with regard to the deadline for setting a millage rate.

Councilmember Wallace agreed to go with the rollback rate with the understanding same could be reduced as the figures became clearer.

Councilmember Wallace **MOVED** approval of a rollback rate of 2.8186.

Councilmember Friedman commented if the rate was reduced after the TRIM notices were mailed, citizens would not be aware of it.

Councilmember Wallace **WITHDREW** the **MOTION**.

Mayor Goldberg stated without a decision by the Council, the State would default to the rollback rate.

Councilmember Albers **MOVED** to accept 2.8186 as the millage rate.

Mr. Fabian questioned why the millage rate had to be raised if additional funds were available than had been shown in previous proformas.

Councilmember Friedman stated the millage rate would have been increased more without the additional funds.

Discussion ensued with regard to projections during the budgeting process.

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

Councilmember Wallace **MOVED** to accept the resolution for paragraphs 2 and 3, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

NOTE: City Council recessed and reconvened as the Punta Gorda Isles Canal Maintenance Assessment District (PGI CMAD) at 11:20 a.m.

PUNTA GORDA ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT

A Resolution Adopting a Tentative Levy of Annual Special Assessment for the Punta Gorda Isles Canal Maintenance Assessment District for Fiscal Year 2012

City Attorney Levin read the resolution by title.

Ms. Knippenberg advised the annual assessment would be \$500 for single family properties and \$.052 per square foot (sf) for multi-family properties.

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

MOTION UNANIMOUSLY CARRIED.

NOTE: The PGI CMAC adjourned and reconvened as the Burnt Store Isles (BSI) CMAD at 11:21 a.m.

BURNT STORE ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT

A Resolution Adopting a Tentative Levy of Annual Special Assessment for the Burnt Store Isles Canal Maintenance Assessment District for Fiscal Year 2012

City Attorney Levin read the resolution by title.

Ms. Knippenberg advised the annual assessment would be \$400 for single family properties and \$.042 for multi-family properties.

Councilmember Albers **MOVED** approval, **SECONDED** by Councilmember Friedman.
MOTION UNANIMOUSLY CARRIED.

NOTE: The BSI CMAD adjourned and reconvened as the City Council at 11:23 a.m.

BOARDS AND COMMITTEES

Announcement of Vacancies

Building Board (2)

City Clerk Foster announced the vacancies.

Historic Preservation Advisory Board – Alternate (2)

City Clerk Foster announced the vacancies.

Utility Advisory Board

City Clerk Foster announced the vacancy.

POLICY AND LEGISLATION

FRIEDMAN: Mentioned correspondence he had with FDOT Secretary Stan Cann with regard to maintaining the stoplight at Burnt Store and Acline Roads, adding he had been informed that Mr. Cann was leaving FDOT at the end of the month; however, his replacement was aware of the request.

The meeting was adjourned at 11:26 a.m.

Mayor

City Clerk