



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, OCTOBER 1, 2008 9:00 A.M.**

COUNCILMEMBERS PRESENT: Friedman, Albers, Wallace, Goldberg, Smith-Mooney

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

4-H Week

Councilmember Wallace presented the proclamation to Ms. Jackie Rainer, Outstanding 4-Her of the year.

Fire Prevention Week

Councilmember Albers presented the proclamation to Mr. Rob Hancock, Fire Chief.

World Habitat Day

Councilmember Goldberg presented the proclamation.

Ms. Gabrielle Reineck accepted same.

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

CONSENT AGENDA

Mayor Friedman pulled item C-6.

Councilmember Albers pulled item C-5. He questioned the property to be purchased and if the cost was \$400,000.

Mr. David Hilston, Urban Design Manager, explained the City had purchased same through the Trust for Public Lands (TPL) through disaster recovery funds; however, funding was lacking in the amount of \$187,000.

City Manager Kunik responded the grant funds would reimburse the TPL funds and provide the trailhead to the linear park.

Councilmember Albers stated same should have been addressed as a request to recover funds, questioning whether the City desired to purchase additional properties thus removing them from the property tax rolls.

City Manager Kunik responded other grants had been applied for to purchase other parcels currently owned by TPL to complete the linear park.

Councilmember Wallace inquired if same could be left under TPL ownership.

Mr. Hilston responded affirmatively.

Discussion ensued with regard to the purchase and intended improvements and whether to pursue grants for future purchases.

Councilmember Albers spoke in opposition to further purchases to the east.

Councilmember Wallace concurred.

Councilmember Goldberg suggested any future grant applications for property acquisition be presented to members for approval.

Mayor Friedman then addressed C-6 suggesting the term of 25 years was adequate for repayment for paving a parking lot; however, the sixty day notice requirement should be eliminated to allow the City to take same back with a reasonable notice.

Mr. Dennis Murphy, Growth Management Director, stated a 60 day notice was standard, adding the City Clerk's Office notified departments when agreements were nearing expiration.

Mayor Friedman countered if the City did not provide notice after 25 years, they would be required to wait an additional 25 year period to provide notice.

Councilmember Albers recommended same either terminate after 25 years or Harbor Bridge MMO be required to request a renewal after the 25 year period.

City Attorney Levin clarified members desired a straight 25 year lease or 25 years with option for renewal.

Mayor Friedman recommended a 25 year lease with the City able to rescind same at any time following same with a 60 day notice.

City Attorney Levin advised the City had the authority to terminate same at any time during the lease period for a paramount public purpose and allowing Harbor Bridge MMO to recoup a portion of their investment.

Discussion ensued with regard to renewal terms.

Mayor Friedman further requested the agreement be amended to require construction to commence within four months and complete within one year.

Councilmember Smith-Mooney **MOVED** approval of the consent agenda as amended, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

A. CITY CLERK'S OFFICE

1. Approval of Minutes:
 - a. Budget Public Hearing of September 16, 2008
 - b. Regular Meeting of September 17, 2008

B. LEGAL DEPARTMENT

1. Monthly Litigation Report
2. Statement of Allen, Norton & Blue, P.A. for services rendered through August 31, 2008.
3. Statement of the Law Office of Brendan Bradley, P.A. for services rendered during July 2008.
4. Request for Injunction - 390 Sorrento Court, Punta Gorda
5. Request for Injunction - 501 E. Olympia Avenue, Punta Gorda

C. GROWTH MANAGEMENT

1. Formal Yearly Report under the Insurance Service Organization (ISO)/Community Rating Service (CRS) Program
2. A Resolution of the City Council of the City of Punta Gorda, Florida, reaffirming the Charlotte County/City of Punta Gorda Local Mitigation Strategy as the formal guide for the City of Punta Gorda Hazard Mitigation Activities
3. SCA-03-08 - Request by MY Promotions to hold their annual Arts & Crafts Show at Gilchrist Park, January 2 - 4, 2009 (includes set-up and clean-up); with caged panther exhibit.
4. SCA-04-08 - Request by MY Promotions to hold their annual Arts & Crafts Show at Gilchrist Park, March 6 - 8, 2009 (includes set-up and clean-up); with caged panther exhibit.
5. A Resolution of the City Council of the City of Punta Gorda, Florida, authorizing submission of a 50/50 matching grant to the Florida Department of Environmental Protection for the Florida Recreation Development Assistance Program (FRDAP) grant for the acquisition of land for a mixed use recreational trail; and authorizing execution of the application by the City Manager and providing an effective date.
6. A Resolution of the City Council of the City of Punta Gorda, Florida approving the Lease Agreement between the City of Punta Gorda and Harbor Bridge MMO, Inc.; authorizing the Mayor to sign the agreement and providing an effective date.

UNFINISHED BUSINESS

Road Sign Reduction Plan

Mr. Gering displayed maps of the areas within the City, as delineated in the agenda material, explaining same denoted the proposed location for speed limit signs at the entrances to each residential neighborhood. He advised same would be accomplished by relocating some signs and removing the remainder. He further stated 121 signs would be removed.

Mayor Friedman recommended one speed limit sign be located when leaving US 41 and going into the historic district on each street.

Mr. Gering then drew members' attention to the list of regulatory and warning signs being recommended for removal, as delineated in the agenda material, adding a total of 60 were ready for removal. He mentioned the two signs in Burnt Store Meadows indicating "No Trucks", explaining the area had not been designated as same, thus staff recommended removal.

Councilmember Goldberg questioned the removal of multiple directional signs on Marion Avenue approaching Bal Harbor Boulevard. He noted there were three identical signs and one yellow sign.

Mr. Gering responded one of the identical signs would be removed, adding the yellow curve ahead sign would remain as well.

Councilmembers Goldberg and Albers opined same was excessive, suggesting only one of the identical signs be retained.

Mr. Gering commented "No Outlet" signs were located sporadically through out the community.

Mayor Friedman clarified speed signs would remain where exiting US 41 into the historic district, the Marion Avenue signs would be removed as suggested and "No Outlet" signs would be removed.

Councilmember Smith-Mooney **MOVED** approval as amended, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida approving the City of Punta Gorda Declared State of Emergency (D.S.E) Reporting and Pay Policy as amended and providing an effective date.

Mayor Friedman recalled he had many questions of the City Manager, opining discussion toward a final version would be lengthy. He suggested an overview of the final draft be provided and members ask any questions to allow a final draft to be presented at a future meeting based on the suggestions made this date.

Mr. Phil Wickstrom, Human Resources Director, pointed out the City currently had a policy in place in the event of an emergency. He then displayed a PowerPoint

presentation denoting the outstanding issues related to the exempt employees and the various levels of same. He advised exempt employees were not paid overtime. He then listed the levels as follows: level 1 – pay grades less than 16, eligible for straight time over 40 hours including furlough pay; level 2 – pay grades 16-18, eligible for straight time after 45 hours including furlough pay; level 3 – Directors, City Clerk, Assistant City Manager and City Manager, eligible for additional straight time pay after 50 hours including furlough pay. He then mentioned furlough pay for non-exempt employees which provided straight time for hours that constitute the regular shift conditioned on their availability to work, limited to 40 hours and required Council approval for extension. He advised overtime pay would be paid at time and one half for all hours over 40 in one week, including furlough pay, noting a furlough day worked would be paid straight time for hours worked plus the eight hours of furlough pay. He stated off shift hours worked would be paid at straight time until the 40 hour threshold was reached. He concluded the policy had been modified to include the above mentioned conditions.

City Manager Kunik added the policy was drafted based upon comments made by Councilmembers at a previous meeting.

Councilmember Wallace inquired where the 40 hour limit on furlough pay was derived.

City Manager Kunik responded same was based upon comments by members that a time limit was necessary, adding Council approval would be required to extend same.

Councilmember Wallace opined same was not restrictive enough.

Councilmember Albers pointed out in a catastrophic event such as Hurricane Charley, even though City Hall was not functioning, the employees would be called back to work in some other function, thus 40 hours would not be reached.

Mayor Friedman clarified 40 hours was the maximum, comprehending most cases would be less.

Councilmember Smith-Mooney requested the City Clerk inform members of an issue she found problematic.

City Clerk Foster explained she felt the proposal to pay straight time for off shift hours worked was inequitable when paying double time for work performed during furloughed hours, pointing out employees were asked to work during the event which prevented them from being with their families. She noted some of the employees asked to do so were not in a tier that would require them to report to work until after the all clear, thus some additional pay was warranted.

A brief discussion ensued.

Mayor Friedman recommended Mr. Wickstrom and the City Manager meet with members individually to ascertain their recommended changes to present amendments to members at a future meeting.

NEW BUSINESS

Strategic Plan Progress Report

Ms. Kathy Dailey, Assistant City Manager, displayed a PowerPoint presentation, as delineated in the agenda material while providing an update on the following focus areas: administration; economic and community development; intergovernmental relations; quality of life; stakeholders; transportation; utilities and waterfront. She noted it would soon be time to begin the strategic planning process for 2009.

Councilmember Smith-Mooney recalled past discussion to time the Strategic Plan on a fiscal year to coincide with the timing of the City Manager's evaluation.

City Manager Kunik responded the Strategic Plan adopted in January would start the following year's budget process.

Councilmember Goldberg pointed out adopting the plan in January meant five months of the year had passed, he recommended the planning process begin in July.

Councilmember Albers concurred the plan was to be based on the fiscal year.

Consensus of members was to have the 2009 plan based on a nine month period and to commence the 2010 plan with the fiscal year.

RECOMMENDATIONS FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik reported Mr. Tom Jackson, Utility Director, would provide an update on Southwest Florida Water Management District (SWFWMD) actions.

Mr. Jackson advised SWFWMD had decided to extend the one day per week watering restrictions, explaining the basis for same. He then explained SWFWMD rules provided a mechanism to adopt by ordinance a water restriction equal to or more stringent than SWFWMD rules which provided home rule as to determining when restrictions were necessary. He provided a detailed description of the process toward gaining a variance to SWFWMD restrictions, noting the City would be the first to do so. He estimated same to be presented to Councilmembers in November, followed by presentation to SWFWMD for their approval.

Councilmember Goldberg stated he understood staff had been working on same for a number of months.

Mr. Jackson responded SWFWMD staff did not want to present same to the board until their new rule had been adopted.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals – Alternate

City Clerk Foster announced the vacancy.

Revitalization Committee

City Clerk Foster announced the vacancy.

Historic Preservation Advisory Board (2)

City Clerk Foster announced the vacancies.

Police Officers' Pension Board

City Clerk Foster announced the vacancy.

Punta Gorda Isles Canal Advisory Committee

City Clerk Foster announced the vacancy.

Punta Gorda Housing Authority

City Clerk Foster announced the vacancy.

Nominations

Board of Zoning Appeals – Alternate

Councilmember Albers **MOVED** to nominate and appoint Mr. Hofmeister, **SECONDED** by Councilmember Goldberg.

MOTION UNANIMOUSLY CARRIED.

Appointments

Code Enforcement Board

Voting forms were distributed.

City Attorney Levin announced Mr. Stevens had received the most votes and was therefore appointed to the Code Enforcement Board.

POLICY AND LEGISLATION

FRIEDMAN: Reported US News and World Report had designated Punta Gorda as one of the healthiest places to retire, noting he had inquired of the City Manager what was being done to capitalize on same. He explained the City Manager had written to the various stakeholder groups, adding while the City did not have to be the primary force behind doing so, they should be involved. He requested a report at the next meeting, recalling previous accolades by Money magazine had provided a focus on Punta Gorda and assisted with growth.

CITIZENS' COMMENTS

Mr. Ray Rose commented on the sign at the southern end of town, suggesting same be duplicated for the northern entrance.

Mr. Dom Mileto, Burnt Store Meadows Association, thanked members for the work they had done with regard to the proposed school redistricting issue.

Mr. Joe Sabatino, Burnt Store Isles Association, stated he felt the City should take a more aggressive stand on the problem of foreclosures. He provided a copy of a news article stating what was being done in Fort Myers regarding same, noting same allowed

them to cut the grass and clean the swimming pool. He mentioned a problem with regard to associations doing so due to the expense and the fact any lien they would place on the property would expire when the foreclosure sale happened. He recommended the Code Enforcement Division be given the authority to do so.

Mayor Friedman advised the City performed those actions.

Mr. Sabatino countered same was not being done.

Mr. Murphy explained registered notices were sent for tall grass violations; however, if a person had walked away from a property, the only authority the City had was to begin the fine process. He advised the City did not have the authority to mow grass or clean pools unless it was a matter of health or safety.

City Manager Kunik explained in very extreme cases a contractor was hired to do basic property clean up, adding the City was also pursuing injunctions against various property owners to have the courts require them to maintain the properties.

City Attorney Levin added many areas were experiencing the same thing the City was wherein a property owner had abandoned the property, explaining he was networking with other attorneys to devise a creative method of handling that situation.

Discussion ensued with regard to enforcement mechanisms.

Mayor Friedman requested staff prepare a proposed plan for consideration at the next meeting.

The meeting was adjourned at 12:37 p.m.

Mayor

City Clerk