



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JANUARY 7, 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.

Mayor Friedman announced the ribbon cutting of the Pittman Park Streetscape Project on January 17, 2009 at 1:00 p.m.

PROCLAMATION/PRESENTATIONS

Hazardous Materials Awareness Week

Mayor Friedman presented the proclamation to Fire Chief Rob Hancock.

Introduction of Board / Committee Nominees

Mr. Stanley Kubik introduced himself as a nominee for Planning Commission Alternate.

Jim Adkins – Ten Year Service Award

City Manager Kunik presented the award to Mr. Jim Adkins, who accepted same.

Ms. Kathy Mahar, Sanitation Supervisor, spoke of Mr. Adkins' years with the City.

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

PUBLIC HEARINGS

A Resolution of the City Council of the City of Punta Gorda, Florida approving an amendment to the 2008 Community Development Block Grant Action Plan for the City of Punta Gorda.

City Attorney Levin read the resolution by title.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda General Employees' Retirement System, adopted pursuant to Ordinance 1286-00, as subsequently amended, is hereby further amended by amending Section 4, Finances and Fund Management; repealing all ordinances in conflict herewith and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

Discussion ensued with regard to the City's liability, with a consensus there would be no greater liability than presently.

ORDINANCE/RESOLUTION

No Public Hearing Required

ZA-15-08 – 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 12, 'Landscaping Standards', Section 12.3., 'General Provisions', adding subsection (n) Artificial Turf, providing criteria for Special Exception application process; providing minimum criteria for materials; providing for maintenance requirements; providing for inspections; providing replacement criteria and requirements; providing for responsibility of property owner if damaged or removed due to work on abutting public properties; 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 Wallace.

MOTION UNANIMOUSLY CARRIED.

ZA-16-08 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the City Code of Ordinances known as "The Land Development Regulations", amending Article 3, Regulating Districts; Section 3.10; HC, Highway Commercial District, adding outdoor dining as a permitted accessory use; and amending Section 3.11., SP, Special Purpose District, adding outdoor dining as a permitted accessory use; amending Article 8, Standards of General Applicability, adding Subsection 8.27 providing for a local exemption to allow dogs in designated

outdoor portions of public food service establishments; providing for definitions; providing for application requirements; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

Councilmember Goldberg commented on the correspondence received following the first reading of the ordinance, noting there was a great deal of misunderstanding. He advised the proposed ordinance applied only to outside dining, would be optional for business owners rather than required and contained extensive safety, health and cleanliness regulations. He further explained the ordinance was limited to a six month trial period.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, approving and accepting the Hazard Mitigation Grant from the State of Florida, Division of Emergency Management (FEMA) and authorizing the City Manager to execute agreements, and contracts; and providing an effective date.

City Attorney Levin read the resolution by title.

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

MOTION UNANIMOUSLY CARRIED.

Mayor Friedman mentioned a portable video camera was being utilized this date, in the event anyone noticed the televised version was different than usual.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

A. CITY CLERK'S OFFICE

1. Approval of Minutes:
 - a. Regular Meeting of December 17, 2008
 - b. Workshop Minutes of December 17, 2008

B. LEGAL DEPARTMENT

1. Monthly Litigation Report
2. Statement of Allen, Norton & Blue, P.A. for services rendered through November 30, 2008.
3. Statements of the Farr Law Firm for services rendered in October and November 2008.

C. POLICE DEPARTMENT

1. Grant Approval Request - Milk Bone Canine Heroes
2. Grant Approval Request - Marine Advisory Council Grant (Police Department Boat Trailer)
3. Grant Approval Request - Byrne/JAG Federal Grant 2009-JAGC-CHAR1-T7-120
4. Grant Approval Request - Byrne/JAG Federal Grant 2009 - JAGC-CHAR

D. GROWTH MANAGEMENT

1. Burnt Store Road Project – County request to purchase land & easements

E. UTILITIES DEPARTMENT

1. A Resolution of the City of Punta Gorda, Florida, accepting utility easement from the Charlotte County Board of Commissioners for the north twenty feet of a County-owned parcel located in the Charlotte Airport Park, Section 11, Township 41 South, Range 23 East, Charlotte County Florida.

UNFINISHED BUSINESS

City's 2009 Legislative Delegation Requests

Ms. Kathy Dailey, Assistant City Manager, drew members' attention to the proposed listing, as delineated in the agenda material, stating funding requests were not being considered this year. She provided detail on the items the City was offering either support or objection to.

NEW BUSINESS

Approval of 2009 Strategic Plan

Ms. Dailey displayed a PowerPoint presentation, as delineated in the agenda material, providing highlights from the following focus areas: Administration, Business & Community Development, Quality of Life, Stakeholders, Utilities and Canal System.

City Manager Kunik added he had been requested to utilize the term Airport Authority under the stakeholders focus area.

Councilmember Goldberg noted an item under canals with regard to identifying a funding mechanism related to the longevity of the seawalls in Punta Gorda Isles (PGI). He then voiced concern with regard to the City becoming involved with pump out facilities within the canal system.

Councilmember Albers pointed out the majority of boaters within the City exited through Ponce de Leon Park, suggesting consideration of a pump out facility in that area.

City Manager Kunik questioned the short time frame on same.

Mr. Dennis Murphy, Growth Management Director, responded the Waterfront Development Advisory Committee was already working on same.

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

MOTION UNANIMOUSLY CARRIED.

City Manager Kunik then addressed previous comments relating to utilizing the report on a fiscal year basis, explaining staff preferred same to be on a calendar year basis due to the need to utilize portions of the plan to prepare the budget. He noted once the budget was approved, work on the next strategic plan commenced.

Councilmember Goldberg pointed out the budget ran on a fiscal year, adding employees were measured on their performance on a fiscal year as well. He stated portions of the strategic plan were not able to be considered if same were processed on a calendar year.

City Manager Kunik advised a strategic plan workshop would need to be held no later than August of each year.

Mayor Friedman expressed ambivalence, adding the plan was only one portion of what was considered during annual reviews.

Mr. Tom Carroll stated multi-year plans worked well with fiscal year calendars.

Consensus of members was to switch to a fiscal year schedule.

Long Range Financial Plan

Mayor Friedman commented the financial plan had been disseminated prior to this meeting, adding he felt some did not understand the process. He advised projected shortfalls were not to be alarming as it was part of the process of matching the projected revenues against the project expenditures, adding all were based upon a set of predetermined assumptions. He explained that step would be followed by prioritization of all the steps that either increased revenues or decrease expenditures, resulting in a balanced budget.

City Manager Kunik drew members' attention the agenda material, stating a five year fiscal year forecast had been prepared to consider revenue and expenditure assumptions to determine the budget proforma denoting the potential shortfall for the five year period. He provided detailed information relating to property tax values, debt coverage ratios of the water and sewer fund, projected shortfalls in the Utilities operating funds, CRA revenue and expenditures, Sanitation fund, Building fund and its reserves, Marina fund, Canal Maintenance and gas tax revenues.

Discussion ensued with regard to the calculations utilized to determine the City's share of the gas taxes.

City Manager Kunik then stated recommendations would be provided to members at their budget retreat on the following: organizational levels of hierarch, employee salaries and benefits, level of service additions, efficiencies in operations and finding cost containment measures, long term effects of decisions, comprehensive cost

recovery objectives and funding for road resurfacing. He then requested members consider general policy guidelines for staff to consider when preparing information to be provided in April, 2009.

Mayor Friedman stated he felt the plan was a good first step which should be utilized to prepare a more detailed report of the current financial situation, adding he did not feel there were any areas that should not be considered.

Councilmember Wallace stated he did not see the possibility of increasing revenue if same included an increase in the millage rate.

Councilmember Albers stated he was comfortable with the suggested list.

Councilmember Wallace opined a focus must be given to economic development. He suggested the Punta Gorda Chamber Economic Development Committee provide reports to members as well as the City having some involvement with the events at the Event Center.

Councilmember McCormick acknowledged revenue was problematic; however, expenditures could be controlled.

Councilmember Albers recommended a set of guidelines be developed for access to the City Attorney as an attempt to control legal costs.

Consensus of members was to concur.

Mayor Friedman recommended consideration be given to outsourcing some of the activities provided by Public Works and Utilities due to the large number of employees in each department.

Councilmember Goldberg stated he agreed the Chamber should provide a status report, adding there were funds remaining that had been allocated to Enterprise Punta Gorda which could be used for a small business incentive as Punta Gorda was in competition with all other areas to attract businesses.

Councilmember Wallace reiterated the City should be marketing the many positives that existed in Punta Gorda.

Request to install a memorial on the Ponce de Leon Park fishing pier.

Mayor Friedman referenced a citizen request to install a commemorative fishing pole holder on the fishing pier, opining same would open the door to receiving many similar requests.

Councilmembers Goldberg and Albers expressed concern with setting a precedent.

Mr. Bill Terhune stated he had made the request for that very reason, adding fishing rod holders should have been installed when the pier was constructed. He stated the request to provide the memorial holder may cause others to do the same thing, providing for an adequate number of holders. He mentioned other areas that allowed

various objects such as benches within parks with memorial plaques on them. He spoke of Mr. Lee Patria, in whose memory they would like to donate the holder. Mr. Joe Gregory displayed photos of the proposed rod holders, stating same had been taken in a State park in Matlache. He opined same were an enhancement to the fishing pier, adding they were asking for the City to coordinate installation of same while they were offering to pay the expense. He stated any future requests would be handled in the same manner should same arise.

Mayor Friedman then stated after seeing the photos he did agree that same would be an additional amenity to the park, adding with staff's supervision of the installation it should be allowed.

Councilmember Goldberg concurred, adding it was possible the fishing community would initiate a campaign to purchase a number of the rod holders.

Mr. Gregory stated they anticipated future requests, adding they were asking not to be involved in the mechanics, but rather the proper City department order and install the holder and invoice them for payment of same.

Mayor Friedman opined same was similar to the bicycle rack program.

Consensus of members was to direct Mr. Rick Keeney, Public Works Director, to coordinate same.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals – Alternate

City Clerk Foster announced the vacancy.

Nominations

Waterfront Development Advisory Committee

Councilmember Albers **NOMINATED** all interested parties.

Planning Commission - Alternate

Councilmember Goldberg **MOVED** to nominate and appoint Mr. Kubik, **SECONDED** by Councilmember McCormick.

MOTION UNANIMOUSLY CARRIED.

Appointments

Board of Zoning Appeals

Voting forms were distributed.

City Attorney Levin announced Mr. Hofmeister had received the most votes and was therefore appointed to the Board of Zoning Appeals.

Punta Gorda Isles Canal Advisory Committee (2)

Voting forms were distributed.

City Attorney Levin announced Ms. Dauster and Mr. Hughes had received the most votes and were therefore reappointed to the Punta Gorda Isles Canal Advisory Committee.

POLICY AND LEGISLATION

FRIEDMAN: Announced City Offices would be closed on January 19, 2009 in recognition of Martin Luther King Day

CITIZENS' COMMENTS

Mr. Bill Hughes, Team Punta Gorda, inquired why that organization had been omitted from the strategic plan's intent to work with various organizations for business and economic development.

City Manager Kunik responded same was an oversight and would be corrected.

The meeting was adjourned at 11:20 a.m.

Mayor

City Clerk