



**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, MARCH 4, 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**

**Juan Ponce de Leon Conquistador Day**

**Mayor Friedman** presented the proclamation to Messrs. PJ. Fisher, Jim Jones and Larry York.

Mr. Fisher spoke of the Conquistador's landing on March 7, 2009 at the Punta Gorda Elks lodge.

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

**QUASI-JUDICIAL PUBLIC HEARINGS**

City Clerk Foster swore in all participants for the following quasi-judicial proceeding.

**SE-02-09 – A Special Exception request by Kathryn E. Petty, Agent for Sendlak, LLC, owner, per Section 26-16.8., of the City Code of Ordinances to allow an indoor amusement facility with video amusement games to be located at Seminole Lakes Shopping Plaza, 10175 Tamiami Trail, Unit 1133 in a Highway Commercial (HC) zoning district.**

Ms. Teri Tubbs, Zoning Official, displayed an overhead of the subject location, stating the request was for a relocation of an existing business from the City Center Business District where same was allowed to the Highway Commercial District where a special exception was required. She reported adequate parking existed, adding no music or

alcoholic beverages were associated with the business. She noted staff and the Planning Commission recommended approval conditioned upon it remaining the same type of indoor amusements as presently existed.

**Mayor Friedman** called three times for public comment.

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

**ORDINANCE/RESOLUTION**

**No Public Hearing Required**

**An Ordinance of the City of Punta Gorda, Florida, amending Chapter 17 “Public Utilities” of the City Code of Ordinances, Article III “Water Emergencies”, amending Sections ~~17-19, 17-22, 17-25, 17-26~~ to comply with the requirements of Southwest Florida Water Management Code Rule 40D-21; amending Section 17-23 by decreasing penalties for violations; providing for conflict and severability and providing an effective date.**

**SECOND READING**

**Continued from February 18, 2009**

City Attorney Levin read the ordinance by title, stating references to the Southwest Florida Water Management District (SWFWMD) rule had been eliminated. He reported it had been reported in the media that warning notices for violations would no longer be allowed, thus questions had arisen related to the impact on the City’s ordinance. He explained the amendments to the ordinance were not contrary to mandated provisions of SWFWMD’s order.

**Councilmember Albers** asked whether the provisions of the ordinance would start and stop when watering restriction phases changed.

City Manager Kunik responded if it were the same property owner with a written warning or first violation, subsequent violations would follow the terms of the ordinance.

**Mayor Friedman** opined same was analogous to late fees on utility bills wherein everyone was allowed one waiver; however, following a certain period of time all previous violations were eliminated, stating he felt watering violations should be handled in the same manner.

City Attorney Levin added the ordinance stated the violation sequence was in effect for the period of the declared water emergency and would reset once the emergency had ended.

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

**MOTION UNANIMOUSLY CARRIED.**

**ZA-01-09 – 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 16, Application Review and Approval Requirements, amending Subsection 16.3., Application for Certificate of Appropriateness, clarifying requirements for Certificate of Appropriateness; amending Subsections 16.3.(a), (b), (c), (e) and (f), clarifying the application, review, approval and appeal process; providing for conflict and severability; and providing an effective date.**           **SECOND READING**

City Attorney Levin read the ordinance by title.

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

**MOTION UNANIMOUSLY CARRIED.**

**ZA-02-09 – 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 16, Application Review and Approval Requirements, Subsection 16.4 Application for Concurrency by amending Sections 16.4(a); 16.4(b)(1)-(6); 16.4(c)(2)(3); 16.4(d) and adding new subparagraph 16.4.(c)(7) to comply with the provisions of the Florida State Statutes for School Concurrency requirements and to comply with the level of service updates of the City of Punta Gorda Comprehensive Plan 2025 adopted in November 2008; providing for conflict and severability and providing an effective date.**           **SECOND READING**

City Attorney Levin read the ordinance by title.

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

**MOTION UNANIMOUSLY CARRIED.**

#### **CONSENT AGENDA**

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

**MOTION UNANIMOUSLY CARRIED.**

#### **A. CITY CLERK’S OFFICE**

1. Approval of Minutes: Regular Meeting of February 18, 2009

#### **B. LEGAL DEPARTMENT**

1. Monthly Litigation Report
2. Statement of the Farr Law Firm for services rendered in January 2009.
3. Statement of Allen, Norton & Blue, P.A. for services rendered through January 31, 2009.

#### **C. GROWTH MANAGEMENT**

1. Request to allow ponies in Laishley Park for the 2nd Annual Peace River Seafood Festival, March 14-15, 2009.

**D. FINANCE DEPARTMENT**

1. Award of Amendment #3 Hendrickson Dam Improvements Phase 2 in accordance with Agreement #U05033 – Marine/Dam Engineering Services with Stanley Consultants, Inc.

**NEW BUSINESS**

**Consent to proceed with Phase I Groundwater Project as recommended in the 2009 Water Supply Master Plan Update**

**Mayor Friedman** drew members' attention to the information provided in the agenda material.

Mr. Tom Jackson, Utility Director, reported he had attended a meeting with the Minimum Flow Level (MFL) staff with regard to the final technical language for percentage of outtake, adding the meeting had been called related to the technical issues; however, the majority of attendees were SWFWMD senior managers and cooperative funding personnel. He reported the majority of the discussion related to Punta Gorda's options in lieu of the cooperative funding application that was currently in place, adding he had updated and resubmitted same this week related to the groundwater phased project. He stated the water management district was being cooperative in that once the contract agreements with the Peace River/Manasota Regional Water Authority were in place, the City could move out of the cooperative funding arena and into water supply funding which was not competitive.

Councilmember McCormick **MOVED** approval to proceed with phase one, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

**Higher Education Feasibility Analysis**

City Manager Kunik reported Team Punta Gorda (TPG) voted to expend not more than \$7,500 for the analysis, adding they were requesting \$2,000 from the City. He advised the City had funding for same within their Business Development reserve, recommending up to \$2,000 be allocated.

**Councilmember Wallace** confirmed the joint Edison College/Florida Gulf Coast University (FGCU) would be addressed.

**Councilmember Goldberg** added opportunities with IMPAC University would be explored as well.

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

**Councilmember McCormick** referenced the comment indicating neither FGCU nor Edison had the resource mission to achieve the economic development goals of Punta Gorda, asking if this meant any school in the area would be a commuter school.

City Manager Kunik responded Edison and FGCU as presently designed did not foresee recruitment of out of state or foreign students relocating here, but rather commuter type campus arrangements were envisioned. He explained the focus of the analysis was to go beyond same in order to make Punta Gorda a destination.

**MOTION UNANIMOUSLY CARRIED.**

**City Website Demonstration**

Ms. Elizabeth Meneely, Information Technology Manager, displayed a PowerPoint presentation denoting the design of the proposed new web page, stating a committee had been formed to review other entities' websites for desirable features. She stated at that point a consultant was hired to develop the new website for the City, providing details of the proposed changes. She stated there were two options for migration to the new pages, which would include changing the home page while slowly migrating the other pages gradually or to migrate the entire site at one time. She advised the committee recommended migrating the entire site, estimating completion by the end of the budget calendar or no later than the end of the calendar year.

Consensus of members was to agree with a total migration.

**Parks Master Plan Charrette Results**

Mr. Dennis Murphy, Growth Management Director, thanked all who had involvement with the public meetings over a three day period.

Mr. Mitchell Austin, Staff Planner, displayed a PowerPoint presentation, providing a brief review of the public visioning workshops and each day's focus. He explained same was required to fulfill the requirements of the 2025 Comprehensive Plan, adding many accomplishments had been realized over the past five years. He then provided a brief history of the existing parks and a description of proposed parks. He then mentioned the attractions that residents preferred in the parks such as benches, shade trees, water features, art and sculpture, signage, restrooms, site lighting and parking. He displayed a map of the overall City with current and proposed park locations, followed by an overhead view of the downtown park concept. He provided a description of the following park types: environmental park; neighborhood park; linear park; urban park and waterfront park. He concluded by explaining staff would be preparing a parks master plan with the assistance of the community, estimating presentation to City Council in September, 2009.

**Councilmember McCormick** pointed out the passageways to the river mentioned within the waterfront park concept, suggesting volunteers be enlisted to clear same out prior to them being taken over by Mangroves.

Mr. Austin recommended staff denote achievable short, medium and long term goals. **Councilmember Goldberg** reported he had participated in the meetings, speaking favorably toward the planning of same and the ultimate results.

**Discussion of the Neighborhood Stabilization Program**

Mr. Murphy stated the Federal Government had allocated funds for neighborhood stabilization, explaining the City would be cooperating with Charlotte County toward renovation of foreclosed houses for purchase by people of a specified income level. He noted the homes must be abandoned or foreclosed to qualify for the program, adding same could be purchased at 85% of the market value in order to be rehabilitated. He explained there were two levels of the program: general allocations and the low income portion of the program. He reported there was a 12 month time period to obligate the money which had already commenced, thus the City and County were working to provide a realistic plan. He explained there were only a few houses at this time that would meet the requirements, thus the City and County were working quickly to obtain the funding for same in order to get them sold. He added this would provide the ability to apply for additional funding for more structures.

**Councilmember Wallace** requested weekly updates as this was an important project. He commented he felt some of the estimated selling prices were high in light of the fact the structure would require remodeling. He recommended more houses than proposed be considered.

Mr. Murphy responded he had been tracking the foreclosures as there were many houses in pre-foreclosure at this time. He stated the cost of the purchase must be considered in order to meet the required income levels.

Discussion ensued with regard to the location of applicable houses.

**Councilmember Albers** inquired if the City or County would actually own the house until sold.

Mr. Murphy explained the Real Estate Manager in the Property Appraiser's office would qualify and contract to purchase the home, adding during that time the County would contract for the rehabilitation and sale of the home to a qualified buyer.

**Councilmember McCormick** confirmed the funding was for purchase and renovation. He then stated it appeared the City and County were stepping into an area that belonged to banks. He cautioned same may end up being an unfunded liability if the houses were not sold.

## RECOMMENDATIONS FROM CITY OFFICERS

### CITY MANAGER

#### Discussion of agenda items for the March 13, 2009 joint meeting with the Board of County Commissioners

City Manager Kunik advised items presently on the agenda were discussion of legislature decisions on home rule and tax legislation and overlay district update, asking members for suggestions. He advised the County may have additional discussion items.

### BOARDS AND COMMITTEES

#### **Announcement of Vacancies**

There were none.

#### **Nominations**

Firefighter's Pension Board

Councilmember Goldberg **MOVED** to nominate and reappoint Mr. John Mooney to the board, **SECONDED** by Councilmember Wallace.

#### **MOTION UNANIMOUSLY CARRIED.**

Utility Advisory Board

Councilmember Goldberg **NOMINATED** all interested parties.

Historic Preservation Advisory Board (2)

Councilmember Albers **MOVED** to nominate and appoint Ms. Nancy Lisby and to continue the other vacancy, **SECONDED** by Councilmember Goldberg.

#### **MOTION UNANIMOUSLY CARRIED.**

#### **Appointments**

There were none.

### POLICY AND LEGISLATION

**GOLDBERG:** Mentioned a letter to the editor related to the City's water system, pointing out it was laden with false statements. He stated the Mayor would write a public reply as the letter placed the City's system in a poor light.

### CITIZENS' COMMENTS

Mr. Bill Hughes, TPG, thanked members for their contribution to the higher education feasibility study.

The meeting was adjourned at 11:03 a.m.

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Mayor

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City Clerk