



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JULY 1, 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; Jason Ciaschini, 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.

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

CONSENT AGENDA

Mayor Friedman questioned the reason the utilities were being relocated due to the road widening, adding if an easement were in place, relocation would not be necessary.

Mr. Tom Jackson, Utility Director, stated the Burnt Store Road utility line had been constructed by the developer without an easement, adding an easement existed in the Piper Road area and a refund had been included in the agreement.

Discussion ensued with regard to ownership of the rights-of-way (ROW) and responsibility to fund utility relocations.

Councilmember Wallace mentioned the fees proposed under item E-1, stating he felt same appeared not to be business friendly as they were higher than neighboring areas. He stated if same were actual costs of administration he would like to see documentation of same.

Councilmember Goldberg stated he was not concerned with other areas; however, he felt the fees should be cost based.

Councilmember Wallace suggested any future requests of this type require documentation to demonstrate actual costs.

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

MOTION UNANIMOUSLY CARRIED.

A. CITY CLERK'S OFFICE

1. Approval of Minutes: Regular Meeting of June 17, 2009

B. CITY MANAGER

1. Project Priority List for Charlotte County-Punta Gorda Metropolitan Planning Organization

C. LEGAL DEPARTMENT

1. Monthly Litigation Report
2. Statements of the Farr Law Firm for services rendered in May 2009
3. Statement of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq., through June 25, 2009

D. FINANCE DEPARTMENT

1. Request for early termination of Cooper Street Commerce Park Lease Agreement with A1 Property Preservation, Inc.

E. GROWTH MANAGEMENT

1. A Resolution of the City Council of the City of Punta Gorda, Florida, repealing Resolution 2150-99 and establishing fees for permits issued by the Fire Prevention Division
2. Consideration to apply for a Federal-administered grant through the U.S. Department of Transportation, Transportation Investment Generating Economic Recovery (TIGER) Grant
3. A Resolution of the City Council of the City of Punta Gorda, Florida, Supporting a Fixed Route Transit Service in Charlotte County

F. UTILITIES DEPARTMENT

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the interlocal agreement between the City of Punta Gorda and Charlotte County for the Piper Road Widening Project and authorizing the Mayor to execute the agreement on behalf of the City of Punta Gorda
2. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the interlocal agreement between the City of Punta Gorda and Charlotte County for the Burnt Store Road Widening Project and authorizing the Mayor to execute the agreement on behalf of the City of Punta Gorda

UNFINISHED BUSINESS

Linear Park Phase I – Northwest side of Retta Esplanade to Southeast side of Olympia Avenue

Mr. Dennis Murphy, Growth Management Director, displayed a PowerPoint presentation denoting the phase 1 area and design, while providing a detailed description of features to be included within same. He stated some items were not being shown this date, such as benches, as those were not included in the Federal funds portion of the project and would be funded by the City. He then displayed the landscaping plan, detailing the proposed plantings. He concluded phases 2 and 3 were under design at this time, adding staff hoped to apply for additional funding for same.

Councilmember Wallace inquired as to the timing of future phases.

Mr. Murphy responded same was dependent on permitting.

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

MOTION UNANIMOUSLY CARRIED.

NEW BUSINESS

Ring-Around-the-City Work Plan (Discussion of funding and timelines for Harborwalk, Linear Park & Multiuse Path Projects)

Mayor Friedman mentioned the provided diagram which denoted the following portions: Harborwalk, linear park phases 1-3 and US 41 corridor, providing a description of each.

Mr. Murphy stated the initial plan had included a rails to trails portion as well; however, the railroad was not willing to lower their rental rates for use of same, thus alternative connections had been provided in two areas. He pointed same out on the diagram, as delineated in the agenda material, noting the agenda material denoted the funding years proposed for the various sections.

Mayor Friedman complimented the alternative routes. He mentioned two listed routes included on the chart, stating same could be considered.

Councilmember Wallace questioned why the Harborwalk section near Gilchrist Park was listed as being completed in 2013, opining same must be considered prior to that time.

Mayor Friedman stated he felt the priority would be connecting the entire Harborwalk, the linear park to connect the southern portions, followed by enhancing areas of the Harborwalk where necessary.

City Manager Kunik stated they had requested a scope of work and cost estimate for design work for the Harborwalk from the Best Western to Fishermen's Village to be presented to members at the August meeting.

Councilmember Albers questioned why design would be done now if construction was not proposed until 2013.

Mayor Friedman stated all items listed in the chart totaled approximately \$3,100,000, adding sufficient funding had been allocated with exception for improvements to the Gilchrist Park portion of the Harborwalk. He opined some alternative funding may be available to provide for design and construction at an earlier date.

City Manger Kunik pointed out the 2013 date was when construction was estimated to be completed. He explained the design process was from nine months to one year, thus design of that portion would follow design and construction of the eastern portion.

Mayor Friedman reiterated unless grant funds had been approved, money did not exist for design or construction. He noted the only other option was to utilize funding allocated to the linear park.

Councilmember McCormick stated he was under the impression members had agreed to work on the design for the Gilchrist portion, now members were saying it should be delayed due to funding issues. He maintained the Gilchrist Park portion was part of the Harborwalk design, voicing dismay that suggestions were being made to rescind earlier decisions.

Mayor Friedman explained he recalled members had directed staff to prepare a basic plan for the Harborwalk; however, following the presentation by Mr. Shattuck questions arose as to the future use of the Bayfront Center and general long term plans for that corridor. He noted staff was working on that independent from the Harborwalk. He stated that section of the Harborwalk would be upgraded when funds became available; however, same had never been planned to be addressed until the completion of the linear park and US 41 corridor.

Councilmember Wallace concurred it was time to reevaluate the priorities; however, he also agreed the Gilchrist portion was important. He suggested the two alternatives provided in the chart be eliminated and those funds be allocated to the Gilchrist phase of the Harborwalk.

Councilmember Albers stated looking at the list there was no listing for phase 4 of the linear park which tied US 41 to the east side, adding members would require a cost for same.

Mayor Friedman pointed out two additional alternatives existed which were estimated to cost \$350,000 each, noting the Cooper Street alternative would accomplish the connection to the east side. He recommended consideration be given to same.

City Manager Kunik added same had an existing sidewalk; however, staff had considered bringing the route through the various neighborhoods in the area.

Councilmember Wallace stated if same was functional at this time, he felt the funding should be utilized in the downtown and waterfront areas where they would get the most use.

Discussion ensued with regard to the area along Cooper Street and the possibility of enhancing same.

Councilmember McCormick stated he had understood members had agreed to move forward with the design of the Gilchrist Park area.

Councilmember McCormick **MOVED** to proceed with the schedule proposed by the City Manager and proceed with design of the Gilchrist area.

Councilmember Albers stated he felt additional discussion was necessary to determine if funding were available.

Mayor Friedman reiterated direction had been given to provide functional connectivity to all areas first, followed by focusing on the Gilchrist Park area if funding were available. He recommended members provide the City Manager with priorities and request he determine if funding were available.

Councilmember McCormick stated he felt his motion would accomplish same.

Discussion ensued with regard to outstanding grant applications and their respective award dates.

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

Mr. Murphy explained portions of the proposed links were rough estimates, while others were felt to be fairly accurate at this point, having had further review.

Councilmember Wallace inquired if Team Punta Gorda (TPG) would have input in the design of the Gilchrist portion of the Harborwalk.

Mr. Murphy responded affirmatively.

Mayor Friedman requested concurrence with the first two priorities of the eastern portion of the Harborwalk and the Best Western area, followed by the first three phases of the linear park.

Consensus of members was to concur.

Mayor Friedman then asked if members agreed that phase 4 of the linear park which would make a connection back to the Harborwalk, utilizing either the Cooper Street path or the proposal in the area of Dupont Street should be next. He reiterated it was a priority to him.

Councilmember Albers commented same completed the circle.

Councilmember McCormick spoke against the proposal, adding same would delay the Gilchrist Park piece of the Harborwalk, which he felt was more important. He pointed out other funding may be available to add phase 4 into the schedule at that time.

City Manager Kunik explained Weiler Engineering was preparing a scope of work and work authorization for presentation to members regarding the Gilchrist portion. He advised same was not the actual design.

Councilmember Wallace stated it was possible to complete what was listed on the diagram and consider the other alternatives at a later date.

Mayor Friedman pointed out the question was to determine the priority, adding the alternatives were to complete the linear park by whatever route was determined or to upgrade the Gilchrist portion of the Harborwalk.

Councilmember Wallace inquired if a ballpark figure had been indicated for the Gilchrist portion.

Mr. Murphy estimated same at \$150,000.

Councilmember Wallace stated he felt the loop must be completed, adding he also felt expending \$150,000 for the most important section of the Harborwalk should not be delayed.

Mayor Friedman stated he agreed providing funding was available.

Consensus of members was completing the loop should be the next priority.

Councilmember McCormick asserted he adamantly disagreed, stating his motion did not preclude completing the loop. He maintained delay was already beginning.

Councilmember Albers stated the scope of work on the Gilchrist portion would be presented to members in August for consideration.

Discussion ensued with regard to the US corridor portions, with the section from Aquí Esta to Airport Road being the next priority.

City Manager Kunik stated if Florida Department of Transportation (FDOT) funding were approved it would be sufficient to continue to Burnt Store Meadows.

Consensus of members was if the funding was available it could be constructed; however, if the City were required to fund same it would be delayed.

Mayor Friedman then inquired as to the southernmost portion of the US 41 corridor.

Consensus of members was to address the Gilchrist upgrade prior to the Burnt Store Meadows area.

Mayor Friedman then asked members priority for the Airport Road to Cooper Street connection.

Consensus of members was to consider same prior to the southern US 41 area, unless grant funds were approved.

Councilmember Wallace asked that the Laishley Park drainage not be forgotten, stating at times there was a great deal of standing water. He noted events were regularly held there.

Mr. Murphy stated the park was overused, adding the poor drainage was a result of same. He stated it appeared a plastic stabilization structure would need to be installed underneath the soil along with drainage features, noting the park would be taken out of use for three to four months.

Councilmember Wallace stated he wanted to ensure same was still being considered.

Rear Yard Parking in the Special Residential Overlay District

Mayor Friedman stated he had been contacted regarding people parking their cars in the rear yard, noting it was determined there was no ordinance prohibiting same. He inquired if members agreed the ordinance should be amended to prohibit same.

Consensus of members was to direct staff to prepare the amendment.

Mr. Bill Folchi suggested consideration be given to the side yards as well, as people attempted to park there as well.

Councilmember Albers advised same was currently prohibited.

Discussion ensued with regard to proposed verbiage.

RECOMMENDATIONS FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik reminded members of the budget workshop to be held at 2:00 p.m. this date.

CITY CLERK

Designation of voting delegate for Florida League of Cities' Annual Conference

City Clerk Foster advised Councilmembers McCormick and Wallace were attending the conference, requesting a motion to designate the voting delegate, suggesting an alternate be appointed as well.

Councilmember McCormick **NOMINATED** Councilmember Wallace as delegate.

Councilmember Wallace **NOMINATED** Councilmember McCormick as the alternate.

BOARDS AND COMMITTEES

Announcement of Vacancies

Historic Preservation Advisory Board (2)

City Clerk Foster announced the vacancies.

Building Board - Alternate

City Clerk Foster announced the vacancy.

Nominations

Code Enforcement Board (2)

Councilmember Albers **NOMINATED** all interested parties.

Planning Commission

Councilmember Albers **NOMINATED** all interested parties.

Appointments

Punta Gorda Isles Canal Advisory Committee

Voting forms were distributed.

City Attorney Levin announced Mr. Folchi had received the most votes and was therefore appointed to the Punta Gorda Isles Canal Advisory Committee (PGI CAC).

POLICY AND LEGISLATION

ALBERS: Commented he planned to tour the Herald Court Centre at 1:00 p.m., asking if members wished to do so as well.

MCCORMICK: Mentioned the information provided by the Florida League of Cities with regard to their legislative policy development process, stating he was interested in participating in same. He noted he had until August 19, 2009 to respond.

- Commented the Governor had signed legislation to provide the Water Management District staff new authority to grant water rights, noting same may have an impact on the City.

CITIZENS' COMMENTS

Mr. Folchi thanked members for his appointment to the PGI CAC.

Mr. Scott Easton commented he felt the City was well managed; however, it appeared that when capital projects and their funding were approved consideration was not given to the ongoing maintenance costs. He then stated the bricks being utilized for sidewalks were beautiful, adding he hoped funding was included for replacement should the need arise. He stated the Strategic Plan included an item related to airport noise which had not been addressed to date. He concluded by addressing the approval to allow a business in a residential home, suggesting staff consider a mechanism to detect other home businesses that had not been approved.

Mr. Dennis Peck mentioned the Charlotte Harbor Sailing Center and another group would be in attendance at the August 5, 2009 meeting for the discussion as to the future use of the Bayfront Center.

The meeting was adjourned at 11:24 a.m.

Mayor

City Clerk