



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, DECEMBER 1, 2010 9:00 A.M.**

COUNCILMEMBERS PRESENT: Goldberg, Albers, Wallace, Friedman, Keesling

CITY EMPLOYEES PRESENT: Sharon Knippenberg, 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.

PROCLAMATION/PRESENTATIONS

Charlotte County/Punta Gorda Christmas Parade Day

Mayor Goldberg presented the proclamation to Ms. Julie Mathis, Charlotte County Chamber of Commerce.

Mayor Goldberg presented Councilmember Keesling with a certificate of completion for the Florida Institute of Government's Institute for Elected Municipal Officials. He then advised an item from New Business would be moved forward.

"Hotel Charlotte Harbor" Mural Request

Mr. Bob Armstrong, Punta Gorda Mural Society (PGMS), displayed a rendering of the proposed mural, as delineated in the agenda material, stating same would be painted on the South end of the Charlevoix Condominium Complex. He explained the mural would be a recreation of a mural originally painted on the northern end of the Punta Gorda Mall, which was destroyed with the demolition of structures after Hurricane Charley. He concluded the Historic Preservation Advisory Board (HPAB) had recommended approval, noting an artist had been selected and work would commence soon.

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

MOTION UNANIMOUSLY CARRIED.

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 2010 Community Development Block Grant Action Plan for the City of Punta Gorda. **FIRST READING**

City Attorney Levin read the resolution by title.

City Manager Kunik responded the resolution was necessary to assure funds were available for projects.

Mayor Goldberg called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

QUASI-JUDICIAL PUBLIC HEARINGS

V-04-10 – Pursuant to City of Punta Gorda Code of Ordinances, Chapter 26, Article 16, Section 16.8., this is a request for a variance to allow three (3) driveways to enter a single street from a single parcel instead of two (2) driveways as permitted by City of Punta Gorda Code of Ordinances, Chapter 26, Article 10, Section 10.3(h)(10) to provide ingress/egress access to a proposed garage to be constructed on the parcel. LEGAL: Block 260, Lot 25, Punta Gorda Isles Section 15 of the Public Records of Charlotte County, Florida. A/K/A 3541 Tripoli Blvd, Punta Gorda Florida. **FIRST READING**

Continued from 06/16/2010

City Attorney Levin presented the request for an additional driveway, opening the public hearing, noting the applicant had requested a continuance.

Councilmember Friedman **MOVED** to continue V-04-10 to December 15, 2010, **SECONDED** by Councilmember Wallace.

Councilmember Albers pointed out the letter from the applicant appeared to request more time.

City Attorney Levin suggested same be continued to January to allow sufficient time.

Discussion ensued with consensus to remain with the December date.

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

GA-20-10 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 12 of the City Code of Ordinances, "Business Tax Act"; amending Section 12-1 relating to the imposition of a business tax; amending Section 12-2 relating to definitions; amending Section 12-3 relating to business tax receipts; amending Section 12-5 relating to the application for a business tax receipt; amending Section 12-6 relating to inspections; amending Section 12-7 relating to receipts for each location; amending Section 12-10 relating to display of tax receipt; amending Section 12-11 relating to duties of the City Clerk; deleting Section 12-13 relating to professionals and adding a new Section 12-13 relating to evidence of engaging in business; amending Section 12-14 relating to the revocation of a business tax receipt; amending Section 12-15 relating to exemptions; amending Section 12-17 relating to vending and amusement machines; amending Section 12-18 relating to flea markets; requiring 14 day's public notice between ordinance readings; providing for severability; providing for conflicts; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title.

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

VOTING AYE: Friedman, Albers, Keesling, Goldberg.

VOTING NAY: Wallace.

MOTION CARRIED.

An Ordinance of the City of Punta Gorda, Florida adopting an amendment to the City of Punta Gorda Comprehensive Plan 2025 for the purpose of amending the Capital Improvement Element to update and revise text including the Five-Year Capital Improvements Program as required annually by State Statute; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title, noting due to an advertising error, same must be continued.

Discussion ensued with regard to advertising needs and public hearing requirements.

Councilmember Friedman **MOVED** to continue to December 15, 2010, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

ZA-17-10 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26, Code of Ordinances, City of Punta Gorda, Florida, known as "The Land Development Regulations"; amending Article 19, Section 19.3, "Definitions" to provide a new definition for the term "Restaurant" and renumbering accordingly;

amending Article 3, Regulating Districts, Section 3.9, CC, City Center District, Section 3.9(c), Uses Permitted With Conditions, adding Subsections (12), (13), (14) and (15) to include permanent non-seating public food service establishments, convenience stores with limited food service, convenience stores with significant food service, and food outlets with limited food services; thereby allowing certain restaurants to be located within 200 feet from a Neighborhood Residential Zoning District boundary; amending Article 4, "Uses Permitted With Conditions", adding new Sections 4.35, 4.36, 4.37, and 4.38 to provide conditions for permanent non-seating public food service establishments, convenience stores with limited food service, convenience stores with significant food service, and food outlets with limited food services to be located within 200 feet from a Neighborhood Residential Zoning District boundary; 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 Friedman **MOVED** approval of the consent agenda, **SECONDED** by Councilmember Keesling.

MOTION UNANIMOUSLY CARRIED.

A. City Clerk's Department

1. Approval of Minutes: Regular Meeting of November 17, 2010

B. City Manager's Department

1. Approval of the Assignment and Assumption of Lease for Fishermen's Village
2. Letter of Support for the Charlotte Harbor Regatta Inc.'s West Coast Inland Navigation District grant application for the IFDS World Championship event
3. Memorandum of Understanding Clarifying IAFF Contract

C. Finance Department

1. City Council authorization for the Director of Finance to amend departmental budgets to reflect Fiscal Year 2010 budgeted funds, grants, and contributions to be carried over to Fiscal Year 2011.

D. Growth Management Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving submission of an for the Tree City USA Growth Award and authorizing the City Manger to sign the application

2. A Resolution of the City Council of the City of Punta Gorda, Florida, approving submission of an application for recertification as a Tree City USA and authorizing the City Manager to sign the application.

E. Legal Department

1. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq. through November 22, 2010
2. A Resolution of the City Council of the City of Punta Gorda, Florida, creating an Equity Study Commission for the purpose of recommending a classification system and rate structure for business taxes; and providing an effective date.

NEW BUSINESS

Discussion regarding the parking of commercial vehicles in residential districts.

Ms. Tubbs explained the City code had two provisions prohibiting parking any vehicle used as a commercial vehicle in any residential district, noting literal interpretation would prohibit vehicles known to be used as commercial vehicles even though there was no commercial appearance to the exterior. She stated staff was seeking direction as to whether to amend the code to allow parking of passenger vehicles in residentially zoned districts

Mayor Goldberg inquired if a commercial vehicle which was registered as being commercial would be allowed.

City Attorney Levin stated registration was based upon weight, thus a commercial vehicle of less weight might not be registered as such.

Councilmember Albers inquired if permitting same would allow larger vehicles than were presently being allowed. He opined changing same would be a departure of the original intent of the deed restricted communities, adding he did not feel same was the correct direction.

Councilmember Friedman stated he felt the original intent was to have fewer vehicles in the driveway, adding allowing commercial vehicles along with the personal vehicles would increase the number and size of same. He voiced opposition in changing the current code.

Six Sigma Project - Electronic Time and Attendance

Ms. Liz Meneely, IT Manager, displayed a PowerPoint presentation, as delineated in the agenda material, stating after review of the current payroll procedures, the committee looked to reduce preparation time, reduce defects and errors made by the manual process and to eliminate paper. She provided a detailed description of the review process and resulting information, as denoted within the agenda material. She stated the committee had determined that an electronic timekeeping program would be the

best solution, noting the system they had looked at would have a total cost of \$68,150, adding benefits of employee time and reduced paper would be \$63,100. She concluded with a list of pros and cons, as delineated in the agenda material, and an implementation estimate.

City Manager Kunik then stated cost benefits were not to be considered as a budget reduction, but rather time savings and cost avoidances. He stated from a management prospective there were benefits to the proposed system, thus if members felt same was a good fit for the City, staff would begin to search for funding.

Councilmember Wallace inquired as to the reason for reducing the proposed number of errors during the study.

Ms. Meneely stated committee members felt the City had enough checks and balances in place to reduce same from the average.

Mayor Goldberg inquired what would be done to minimize the cons mentioned this date, voicing concern with the morale of the employees.

Ms. Meneely stated they would meet with the various divisions to explain same was not a trust issue.

Mayor Goldberg stated he was concerned placing employees on a time clock would reduce the incentive to stay late to finish projects.

Ms. Meneely stated they would work with the managers with regard to that. She stated she felt same would be a cultural change which would require working together to implement.

Councilmember Albers complimented the work done on this project; however, without funding for same he felt some of the research found could be utilized to improve the current process.

Councilmember Keesling inquired as to the feedback from the City of North Port about the system.

Ms. Meneely responded they received positive feedback, noting there were initial issues with not having enough places to clock in which had been corrected. She added they were pleased with not using any paper for the process. She noted the Utility Supervisor had been against the system in the beginning, but was in approval of same now. She provided details with regard to calendar options included in the program.

Mayor Goldberg inquired as to employee resistance.

Ms. Meneely responded it was a cultural shift and learning curve.

Ms. Sharon Knippenberg, Controller, opined the Six Sigma process demonstrated the need for the new system, stating they did not wish to do anything to upset the morale of the employees. She stated efficiency was the main reason for proposing the change.

She advised if the program was not implemented, they had a plan to correct some of the identified errors.

Mayor Goldberg acknowledged a value added benefit of freeing up employee's time to work on other tasks.

Councilmember Albers stated he could see some of the benefits; however, as funding was not available and most likely would not be for at least two years, no decision was necessary at this time. He recommended staff continue to work on correcting identified errors.

City Manager Kunik stated as a management tool, staff saw a lot of benefits to the program, recalling that other changes were explained to the employees in phases. He asked if staff found ways to reduce the budget in an amount to fund the up front costs, if members would consider same.

Councilmember Albers stated he would only consider same if the savings were directly related to this program, rather than reducing funds elsewhere to be used to fund same.

City Manager Kunik stated he was not proposing to eliminate another program, but was asking if staff felt comfortable with implementing a system such as this, the personnel services line item could be reduced by the amount required to fund the program if members would consider same.

Councilmember Friedman commented it was a mistake by trying to prove the utility of such a program as a function of cost savings to compensate for the initial and ongoing investment. He stated a system such as proposed was geared to the larger the company, the greater the savings. He opined for a 200 employee base, the numbers shown were not real. He maintained the projected savings would not occur as denoted. He stated there were advantages to payroll systems; however, they were not demonstrated with the presentation. He reiterated the savings noted this date would not occur, maintaining personnel saving were found by eliminating positions.

Discussion ensued with regard to the City of North Port's use of the program.

Councilmember Albers opined it was not time to consider the program based on the lack of funds.

Councilmember Friedman mentioned there was one employee dedicated to payroll for the City, noting it may be that more people work on same for the City of North Port and elimination of one position would pay for their system.

Mayor Goldberg spoke favorably toward the analysis, adding same had highlighted areas needing improvement which could be made within the current system while seeking funding for some future date.

Councilmember Keesling mentioned smaller departments would not benefit as greatly as some of the larger departments.

City Manager Kunik stated staff would not give up on seeking funding, adding it may be brought back to members.

Councilmember Friedman stated in a better economy, the advantages might be worth funding; however he pointed out employees had not received a pay increase in three years, thus spending funds on a “nice to do” project should not be considered at this time.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik reported staff had begun working on the long range financial plan which would be presented to members in January, 2011. He then mentioned he would be out of town for the next two days, adding Mr. Dave Drury, Finance Director, would be Acting City Manager during his absence.

CITY ATTORNEY

City Attorney Levin advised he would be in Circuit Court this week to oppose Ms. Gerda Craig’s motion to intervene and consolidate in the City’s Code Enforcement lien foreclosure action against Ms. Linda Louise.

CITY CLERK

Equity Study Commission Appointments

City Clerk Foster drew members’ attention to the applications of eight potential members, as delineated in the agenda material, stating voting forms had been prepared if Council wished to utilize same.

Mayor Goldberg noted the eight applicants fell within the professions listed in the Resolution creating the committee, thus he felt it would be appropriate to appoint all of the applicants.

Councilmember Friedman **MOVED** to appoint all eight applicants, **SECONDED** by Councilmember Keesling.

MOTION UNANIMOUSLY CARRIED.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals (2)

City Clerk Foster announced the vacancies.

Board of Zoning Appeals Alternate

City Clerk Foster announced the vacancy.

Building Board Alternate

City Clerk Foster announced the vacancy.

Historic Preservation Advisory Board Alternate

City Clerk Foster announced the vacancy.

Punta Gorda Isles Canal Advisory Committee (2)

City Clerk Foster announced the vacancies.

Utility Advisory Board

City Clerk Foster announced the vacancy.

Utility Advisory Board

City Clerk Foster announced the vacancy.

Nominations

Waterfront Development Advisory Committee

Councilmember Friedman **NOMINATED** all parties.

POLICY AND LEGISLATION

GOLDBERG: Mentioned he had been approached with regard to the limitation of two days for signage announcing special events as same was felt not to be adequate notice. He provided examples of organizations which held fund raising events such as church bake sales and youth camps among others, noting they felt a longer notice to the public was necessary. He asked what the intent of that restriction had been.

Ms. Tubbs explained commercial districts were allowed 12 events up to 5 days in length as well as 12 business promotions with signs being allowed for 7 days; however, residential districts were allowed 8 temporary promotional events with the signs being allowed 2 days prior to the event. She stated in instances of a one day event, the sign was desired in advance of the event for promotion. She advised she had met with the church's business administrator, adding they were holding many more than the permitted 8 events during a year.

Mayor Goldberg asked members if they wanted staff to look into same for possible amendment.

Councilmember Friedman pointed out many amendments had occurred in the past few years to lessen the restrictions; however, he felt consideration must be given to the majority of residents who felt signage was visual blight. He stated he preferred to maintain the two day restriction.

Mayor Goldberg stated many events were for the public, thus he felt additional promotional time would be appropriate.

Councilmember Keesling asked why the change was made.

Ms. Tubbs stated events had been limited to one per quarter for a duration of no more than 14 days, which was changed to allowing 8 per year in residential districts based

upon public survey.

Councilmember Albers commented everyone wanted more than what was allowed, thus members were attempting to balance that with the wishes of the remaining residents.

Councilmember Wallace stated he did not wish to reopen the signage issue.

FRIEDMAN: Commented the Metropolitan Planning Organization (MPO) had made an offer to a candidate for the Executive Director position, opining he would be good for the position. He stated if the candidate did not accept, the Board would begin the process after the holidays with the Acting Director still in place during that time.

ALBERS: Stated Florida Power and Light (FPL) had made two inspections of every hand hole within the City, reducing the number of incidents. He stated inspections would be performed every five years, adding connections would be inspected as well, and cables leading to the home would be replaced rather than repaired when they failed. He spoke favorably toward the response from FPL.

- He then requested an update from Main Street Punta Gorda (MSPG) in the near future.

CITIZENS' COMMENTS

Mr. Ray Rose commented his perception of the time keeping presentation was that there had been a group of motivated employees who wanted to hear whether same could be considered if they could prove to members the benefits of same; however, he felt all they received was direction to come back in a few years when funding might be available. He stated on the job productivity must be considered as same was important.

The meeting was adjourned at 11:31 a.m.

Mayor

City Clerk