



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, DECEMBER 15, 2010 9:00 A.M.**

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

CITY EMPLOYEES PRESENT: Dave Drury, 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

Certificate of Appreciation - Punta Gorda Boaters Alliance

Mayor Goldberg presented a certificate of appreciation to the Punta Gorda Boaters Alliance for their work cleaning up the Gilchrist Park Beach.

Mr. Murray Thorndycraft accepted same.

10 Year Service Award - Holden Gibbs, Fire Department

City Manager Kunik presented the award to Mr. Holden Gibbs.

Fire Chief Rob Hancock spoke of Mr. Gibbs' years with the department.

Certificate of Achievement for Excellence in Financial Reporting for the City of Punta Gorda, Florida Comprehensive Annual Financial Report (CAFR) for Fiscal Year Ended September 30, 2009

City Manager Kunik presented the award to Mr. Dave Drury, Finance Director.

Police Chief Butch Arenal then announced Captain Tom Lewis had completed the FBI national academy.

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.

SECOND PUBLIC HEARING

City Attorney Levin read the resolution by title.

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.

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

Continued from December 1, 2010

City Attorney Levin read the ordinance by title.

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 Keesling.

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

Continued from December 1, 2010

City Attorney Levin presented the request for a third driveway.

Mayor Goldberg announced the applicant had requested a continuance to April 6, 2011.

Councilmember Friedman **MOVED** to continue V-04-10 to April 6, 2011, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Councilmember Keesling pulled item B-3, stating she must abstain from voting due to conflict of interest and B-2 due to a possible future conflict of interest should the selected vendor not be able to perform the work.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Wallace **MOVED** approval of items B-2 and B-3, **SECONDED** by Councilmember Friedman.

Councilmember Keesling abstained from voting.

MOTION UNANIMOUSLY CARRIED.

NOTE: Form 8B Memorandum of Voting Conflict for County, Municipal and Other Public Officers is attached hereto.

A. City Clerk's Department

1. Approval of Minutes: Regular Meeting of December 1, 2010

B. Finance Department

1. Agreement award to Better Roads Inc. of Naples, FL for paving and resurfacing services as requested by the City.
2. Agreement award to D.M. Construction of Punta Gorda, FL for Construction of Martin Luther King Blvd/Phase 5 Streetscape Improvements
3. Agreement award to Keesling Construction, Inc. of Punta Gorda, FL for construction of Harborwalk East based on the City's Local Vendor Preference (LVP) Policy.
4. Award of Amendment #1-Specific Authorization #2 - Design and Pre-Bidding Phase of the Wastewater Treatment Plant Filtration Improvements project in accordance with Master Agreement #U2008113/Filtration and Disinfection Facility Upgrades with CPH Engineers of Fort Myers, FL.

C. Growth Management Department

1. ESRI Small Municipal and County Enterprise License Agreement (ELA)
2. Application for Funding from the Charlotte County Marine Advisory Committee for City of Punta Gorda - Gilchrist Park Vessel Launch Facility
3. A Resolution of the City Council of the City of Punta Gorda, Florida, approving submission of a 21st Century Grant Application on behalf of New Operation

Cooper Street and authorizing execution of the application by the City Manager and providing an effective date.

4. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the levy of delinquent user fee liens for the Mandatory Lot Mowing Program for Fiscal Year 2010/2011 and providing an effective date.

D. Utilities Department

1. Florida Department of Environmental Protection (FDEP) Grant Extension LP0525 – Wastewater Collection System for Charlotte Park

E. Legal Department

1. Invoice of Allen, Norton & Blue, P.A. for services rendered in October 2010
2. Invoice of the Farr Law Firm for services rendered in October 2010
3. Monthly Litigation Report
4. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq. through December 6, 2010.

UNFINISHED BUSINESS

Harborwalk West 100% Design Plans - Project Update

Mr. Mike Giardullo, Weiler Engineering, displayed a PowerPoint presentation, providing a brief update on the design, noting there were no major changes since the last presentation. He advised a boat ramp for non-motorized boats would be constructed in the area near the Boat Club building, along with repairing the seawall. He advised the end of the Harborwalk would connect to the Linear Park in the area of Pittman Park. He then mentioned ADA modifications that would be required to include the restrooms, gazebo, fishing pier, grilling areas, picnic area, bocce courts and access paths to the park from the Harborwalk. He noted permitting was underway and nearing completion, adding the City's Development Review Committee (DRC) had approved the construction documents at their December 10, 2010 meeting. He estimated construction costs at \$3,440,000, noting phasing the passive park, bocce courts and playground additions was recommended. He advised grant funding was being sought.

Councilmember Friedman questioned the cost of the items recommended for phasing.

Mr. Giardullo responded approximately \$500,000.

Councilmember Albers stated the bid documents should be released for the seawall and boat launch area to accelerate that part of the project.

Mr. Giardullo stated the documents could be prepared; however, the bid could not be issued until a determination was made on the grant funds for that portion of the project.

Downtown Flooding Project - Phase 2

Mr. Mark Gering, City Engineer, stated the City had initially been granted funding from the Federal Emergency Management Agency (FEMA) to make changes to four of the six drainage outfalls which were deemed to have the highest potential for flooding. When completing final paperwork after completion of the project it was made known that it may be possible to request additional funds to complete the remainder of outfalls. He explained if granted, the City's 25% matching funds would be allocated from Infrastructure Sales Surtax (ISS) funds, requesting direction to work with FEMA toward an agreement for Council's approval.

Councilmember Friedman inquired if the requested funds would complete all areas.

Mr. Gering responded with the exception of the downtown area which had been improved by Florida Department of Transportation (FDOT) in a previous project.

Consensus of members was to approve seeking the grant.

Discussion of proposed changes to the City's three pension plans for new employees.

Mr. Drury displayed a PowerPoint presentation, as delineated in the agenda material, stating based upon the current trend of increases in the City's required contribution to the three pension plans, staff researched the cost/benefit if certain items within the plans were changed for new employees. He stated the Attorney who represents two of the plans was consulted to determine the legality of the changes and whether same would have any impact on the insurance monies received from the State, adding the City received \$410,000 in 2010. He explained the plans' Actuary then calculated the effect of the changes on the various plans, noting by using the current payroll as a template, future savings would approximate \$700,000 annually assuming full implementation of proposed plan amendments and full turnover of staff, albeit the savings would occur in small increments as turnover occurred.

Councilmember Friedman inquired why the City's contribution to the Police Officers' Pension (POB) and Firefighters' Pension (FP) increased by almost 50% while the increase to the General Employees' Pension (GEP) did not.

Mr. Drury responded salaries increased in the Police and Fire Departments more than general employees.

Councilmember Friedman inquired if same was due to better investments by the GEP.

Mr. Drury responded with uncertainty.

Councilmember Friedman requested same be researched.

Councilmember Albers concurred, adding if same were found to be true, investigation into the pension boards should be undertaken as bad investing cost the City money in the end.

Mr. Drury then proposed the following changes: reduction in multiplier to 2.5% per year of service for the GEP and to 3% for both POP and FP; increase the age for normal retirement to 62 for GOP and earlier of age 55 or 25 years of service for POP and FP; and changes to base pay earnings calculations as delineated in the agenda material. He then displayed slides denoting the projected savings from the proposed changes for each plan, as delineated in the agenda material. He concluded with a slide denoting the training costs for Police and Fire should current employees be lost as a result of the proposed changes.

Councilmember Albers commented he felt the suggestions were appropriate in light of the economy; however, he felt further research should be made into non-conventional plans. He noted same could only be applied to general employees.

Councilmember Wallace concurred.

Discussion ensued with regard to 401 plans.

City Manager Kunik commented beyond the City's contribution, there would be no future liability with a 401 plan.

Consensus of members was to direct staff to perform further research into other options for general employees, with the associated impacts to the City.

Mayor Goldberg commented the City would live with the change for a long time, thus he felt the decision should not be rushed.

NEW BUSINESS

Storm Surge Marker Project

Mr. Wayne Sallade, Charlotte County Emergency Operations Manager, displayed a PowerPoint presentation, as delineated in the agenda material, stating studies had been undertaken to provide updated storm surge maps and to determine evacuation clearance times. He explained evacuation zones were no longer tied to storm categories with separate storm surge warnings to be issued. He detailed a program for placing markers on signs at most residential intersections denoting the storm surge category and associated evacuation time, noting same would be funded by an Emergency Management Grant and installed by volunteers.

Mayor Goldberg inquired how interested community groups could volunteer.

Mr. Sallade advised his office could be contacted or the Punta Gorda Public Safety departments.

Councilmember Friedman expressed concern that posting the markers on signs in that same may be alarming to potential businesses who may consider relocating to Punta Gorda. He stated he understood the need for residents to be aware of the new warning program; however, he felt a balance of alternatives should be considered.

Mr. Sallade stated it had been proven people must be made aware of what zone they lived in, adding he felt the markers were an unobtrusive manner of doing so.

Councilmember Wallace concurred in that consideration should be given to the impact the markers may have on business development.

Mayor Goldberg inquired if the Board of Realtors had been made aware of the program.

Mr. Sallade responded in the negative. He advised Sarasota County would be implementing a marker system.

Councilmember Albers commented the majority of markers for Punta Gorda would be yellow, which at some point residents would forget the meaning of. He inquired if television announcements would be made as to when certain colored zones should evacuate.

Mr. Sallade responded affirmatively. He then mentioned that markers would be ordered soon as the County had approved the program, thus if the City wished to participate a decision must be made soon.

Councilmember Keesling **MOVED** to gain public input and place same on a future agenda, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Discussion regarding City Center Parking Exemption Area Regulations

Councilmember Keesling advised her husband had an interest in one of the properties to be discussed, therefore if same resulted in an amended ordinance, she would not vote on same.

Ms. Teri Tubbs, Zoning Official, explained based on the 2006 Downtown Circulation and Parking Study the City Hall Parking lot and Herald Court Centre parking structure were constructed which provided an additional 513 parking spaces. She stated a parking exemption area was also created to encourage redevelopment of the downtown area which allowed buildings with a footprint of 2,000 square feet (sf) or less to be exempt from the requirement to provide onsite parking. She explained in order to further encourage infill development on small vacant lots located within reasonable walking distance from the Herald Court Centre, staff was requesting consideration of increasing the footprint limitation to 5,000 sf or less in area to be

developed without onsite parking. She noted there were approximately 30 lots within the designated area that would qualify for the parking exemption.

Mayor Goldberg commented he knew there were a number of lots that would prove difficult to have on-site parking, thus he agreed with the proposal.

Councilmember Albers concurred.

Consensus of members was to direct staff to prepare an amended ordinance.

Note: City Council recessed and reconvened as the Punta Gorda Isles (PGI) Canal Maintenance Assessment District (CMAD) at 10:44 a.m.

PUNTA GORDA ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT

Discussion of Procedures for Inclusion into Canal Maintenance District

Mr. Keeney explained there were currently three properties not included within the CMAD of which staff had received inquiries as to how a property could become part of the district. He advised staff and the PGI Canal Advisory Committee (CAC) recommended moving forward with an ordinance to provide the following direction: written petition from applicant requesting inclusion; written evaluation of the existing seawall and cap furnished by a licensed marine contractor at the applicant's expense; evaluation by staff and CAC; inclusion to require bringing the seawall and cap up to the City's standards or the fees that would have been collected from the petitioned property from the inception of the CMAD, whichever cost was greater. He noted if same were approved, an ordinance amendment would be necessary.

Councilmember Friedman recalled past instances where the seawall was required to be brought up to standard; however, no payments toward previous assessments were required.

Mr. Keeney explained the seawalls were older at this time and had a greater chance of needing replacement, thus the requirement to pay the previous assessment.

Consensus of members was to concur with staff's suggestion.

Note: The PGI CMAD adjourned at 10:50 a.m. and reconvened as the Burnt Store Isles (BSI) CMAD.

BURNT STORE ISLES CANAL MAINTENANCE ASSESSMENT DISTRICT

Discussion of Procedures for Inclusion into Canal Maintenance District

Mr. Keeney advised there were two properties not included within the CMAD, noting the same recommendations were being made for BSI as for PGI.

Councilmember Friedman inquired if there were an instance where the seawall had been completely replaced prior to entering the CMAD, if there could be a provision not to require the applicant to pay the past assessment.

City Attorney Levin pointed out the assessment also included maintenance of the canals of which the property had the benefit of without paying the assessment.

Councilmember Friedman suggested rather than the applicant paying whichever choice was greater, that staff make the determination as same would provide the ability to prorate payment in an instance such as stated above.

City Manager Kunik clarified the decision would be made by the CMAD.

Consensus of members was to agree with the amended suggestion.

NOTE: The BSI CMAD adjourned at 10:57 a.m. and reconvened as the PGI CMAD.

Consensus of members was to amend their direction to staff in the same manner as determined by the BSI CMAD.

City Attorney Levin stated standards would be necessary to determine the amount to be charged to the applicant so as not to be arbitrary.

Councilmember Friedman stated he felt the age of the seawall should be the determining factor. He suggested a wall replaced more than three years be required to pay the assessment while any that were newer would not.

Discussion ensued with regard to the lifespan of seawalls.

Consensus of members was to include the three year guideline within the direction to staff.

NOTE: The PGI CMAD adjourned at 11:13 a.m. and reconvened as the BSI CMAD.

Consensus of members was to provide the same direction as was related for PGI.

NOTE: The PGI CMAD adjourned at 11:14 a.m. and reconvened as the City Council.

BOARDS AND COMMITTEES

Announcement of Vacancies

Building Board Alternate

City Clerk Foster announced the vacancy.

Historic Preservation Advisory Board Alternate

City Clerk Foster announced the vacancy.

Utility Advisory Board (2)

City Clerk Foster announced the vacancies.

Nominations

Board of Zoning Appeals

Councilmember Friedman **NOMINATED** all interested parties.

Board of Zoning Appeals Alternate (2)

Councilmember Friedman **MOVED** to nominate and appoint Mr. Midolo and Ms. Perry, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Punta Gorda Isles Canal Advisory Committee (2)

Councilmember Friedman **MOVED** to nominate and appoint Messrs. Dixon and McAlear, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Appointments

Waterfront Development Advisory Committee

Voting forms were distributed.

City Attorney Levin announced Mr. Roger Strube had received the most votes and was therefore appointed to the Waterfront Development Advisory Committee.

POLICY AND LEGISLATION

GOLDBERG: Stated a decision must be made with regard to a third year of deferring the impact fee increase.

Consensus of members was to do so.

Mayor Goldberg then inquired as to members' decision with regard to holding Town Hall meetings.

Councilmember Albers opined same had become less meaningful than they were initially, suggesting that a certain number of topics be determined for members to provide a short presentation, to be followed by an open session for the public to comment.

Consensus of members was to agree.

Mayor Goldberg suggested two meetings to be held at the Burnt Store Presbyterian Church and the PGI Civic Association.

Consensus was to suggest February and March.

FRIEDMAN: Recalled the discussion regarding the Ring Around the City project and funding for same, stating he was surprised with the increased estimate for the second and third phases of Linear Park as it had been indicated that the funds would not provide the same standard as the design for level one. He requested research into same and a report at the next meeting.

- Commented it appeared that some of the City's Firefighters were being trained toward the inception of an Advanced Life Support (ALS) program. He asked for a report on the costs should the City pay the salary of a paramedic for those who obtained the certification as same would provide the ability to commence ALS sooner.

Mayor Goldberg pointed out it was difficult for paramedics to practice their skills without the required equipment.

Discussion ensued with regard to ALS requirements.

ALBERS: Reported he represented the City on the County's Tourism Bureau along with a citizen representative; however, the County's Attorney had indicated that both representatives must be an elected official. He stated another member would be required to serve as the second representative.

Councilmember Wallace volunteered to do so.

WALLACE: Mentioned he was somewhat distressed with the discussion at the Joint City County meeting regarding the Metropolitan Planning Organization (MPO) in that he felt like the Commissioners were lecturing them, adding he wished he would have spoken at that time as some of their actions had been outside the rules.

Mayor Goldberg stated board appointments had been made at the County Commission meeting this week and the commissioners to represent the MPO for the upcoming year were Commissioners Starr, Deutsch and Constance.

CITIZENS COMMENTS

Mr. Steve Fabian stated he agreed with the decision regarding the storm surge marker program; however, there were many roads under the County's jurisdiction at the entrances to the City which would have markers on the signs. He then stated he felt the barrier on Aqui Esta from Ash Street to US 41 was a dangerous situation, adding he felt "No U Turn" signs should be located at both ends.

Ms. Clair Phelen mentioned the County's decision not to widen the roadway to four lanes on Jones Loop Road at the railroad tracks, commenting on the negativity of same.

Councilmember Friedman asked the City Manager to check with the County as to the reason for same as it would cause a bottleneck as Burnt Store Road would be four lanes and Jones Loop Road was already four lanes.

The meeting was adjourned at 11:40 a.m.

Mayor

City Clerk