



**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, JUNE 1, 2011 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**

**National Marina Day**

**Mayor Goldberg** presented the proclamation to Mr. Jim Branch, Fishermen's Village Dockmaster.

**Code Enforcement Officers' Appreciation Week**

**Mayor Goldberg** presented the proclamation, which was accepted by Ms. Dawn Lewis and Mr. Randy Wright on behalf of the Code Enforcement Division.

**Introduction of Board/Committee Members Nominees**

Mr. Paul Sacilotto introduced himself as a nominee for Planning Commission.

**Mike Brennan, Regional Director for Senator Rubio**

**Mayor Goldberg** introduced Mr. Brennan.

Mr. Brennan provided a brief background of his experience, adding he was available to those in the community who wished to discuss issues with Senator Rubio.

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

**CONSENT AGENDA**

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

**MOTION UNANIMOUSLY CARRIED.**

**A. City Clerk's Department**

1. Approval of Minutes: Regular Meeting of May 18, 2011
- B. City Manager's Department**
  1. Memorandum of Understanding between IAFF (Firefighters) and the City of Punta Gorda
- C. Finance Department**
  1. Agreement award to Clarion Associates of Chapel Hill, NC for conducting a study on the City's Fair Share Impact Fee Ordinance and establish a term contract for periodic reviews as required.
  2. Vehicle Purchases for Code Enforcement
- D. Growth Management Department**
  1. A Resolution of the City Council of the City of Punta Gorda, Florida, supporting the Site Selection and Florida Housing Finance Tax Credit Application for redevelopment of public housing units destroyed in Hurricane Charley; providing an effective date.
- E. Police Department**
  1. Reappropriation of funds to cover expenses associated with the Police Department's Jammers Basketball League
- F. Legal Department**
  1. Invoice of Allen, Norton & Blue, P.A. for services rendered in April 2011
  2. Invoice of the Farr Law Firm for services rendered in March 2011

#### NEW BUSINESS

#### Discussion of FY 2012-2016 Capital Improvements Program (CIP)

City Manager Kunik stated all Capital Improvement Projects would be discussed, with the revenue fund and details of each. He stated following that presentation, the Ring Around the City project would be discussed as well as the various zones of the west Harborwalk.

**Councilmember Wallace** voiced concern that approval of this five year program would prohibit consideration of other projects which may arise within that time period.

City Manager Kunik advised CIPs were changeable.

Ms. Sharon Knippenberg, Controller, displayed a PowerPoint presentation, as delineated in the agenda material, stating the CIP was a planning tool which could be changed when goals or objectives were changed. She then introduced projects to be funded by the general construction fund as follows: National Pollutant Discharge Elimination System (NPDES), storm sewer reconstruction, total maximum daily loads, bridge repair and drainage improvements, with each supporting department providing a brief description of same. She then denoted park impact funding projects as park

improvements and CRA Herald Court Centre retail buildout funding. She then focused on grant funded projects.

Mr. David Hilston, Urban Design Manager, provided a status update and detailed information on the following projects: Olympia Avenue streetscape, US 41 Multi-Use Recreational Trail (MURT) – Airport Road to Aqui Esta, US 41 MURT – Monaco Drive to Taylor Road and US 41 street lighting project from Taylor Road to Aqui Esta.

Ms. Knippenberg then addressed transportation impact fund projects as follows: sidewalk improvements, Cooper Street on-street parking and Bal Harbor Boulevard improvements and turn lane.

Mr. Hilston then denoted Infrastructure Sales Surtax (ISS) Fund projects as follows: downtown flooding improvements Phase 2, Herald Court Centre retail buildout, Linear Park Phase 2, Linear Park Phase 3, Linear Park connection at US 41, US 41 MURT Florida Department of Transportation (FDOT) required additional design, Shreve Street MURT, west Harborwalk small boat launch and seawall replacement, Best Western Harborwalk.

Mr. Rob Hancock, Fire Chief, then addressed ISS fire projects as follows: Advanced Life Support (ALS) equipment, fire hydraulic rescue tools and fire 800 MHZ radio system upgrade.

**Councilmember Friedman** questioned the need for a spare hydraulic rescue tool based upon the low amount of use, noting the \$25,000 could be used elsewhere.

**Councilmember Albers** concurred.

Mr. Butch Arenal, Police Chief, address ISS police projects as follows: police fleet replacement and police OSSI project financing.

Ms. Knippenberg advised the final ISS project was intersection treatments such as enhanced crosswalks.

**Councilmember Friedman** requested designed costs be provided for the Best Western Harborwalk to include the over the water walkway being extended to reach under the bridge to the walkway in front of the Event Center.

Ms. Knippenberg then drew members' attention to unfunded projects as follows: Aqui Esta improvements Phase 3 at an estimated cost of \$200,000, downtown brick paver replacement – \$99,000, US 41 street lighting – \$650,000 and signalization and mobility improvements at Carmalita and US 41 – \$1,700,000.

Consensus of members was to consider funding the drainage improvements denoted under general construction funded projects.

Ms. Knippenberg then addressed utility construction fund projects as follows: water and wastewater system maintenance replacement projects, water use permit update, master plan update, water treatment plant tank coating, Henderson Dam inspection,

SCADA improvements, Florida Street and Airport Road water mains, water hydro biological monitoring plan, water treatment plant generator and raw water pump station upgrade. Members were provided with a list of wastewater projects as delineated in the agenda material, all of which had been reviewed by the Utility Advisory Board (UAB). She then drew members' attention to projects to be funded by the sanitation and information technology funds as follows: routing management software program replacement, forklift replacement, vehicle replacement, Iseries server replacement, telephone and network switch replacements.

City Manager Kunik drew members' attention to the funding information related to the Ring Around the City, as delineated in the agenda material, stating \$968,432 remained based upon reduced ISS revenues and previously allocated funds. He stated he wished to prioritize the Harborwalk zones to determine which should commence first with any available remaining funds.

**Mayor Goldberg** inquired if it must be zone by zone or if particular elements within different zones could be addressed.

Mr. Mike Giardullo, Weiler Engineering, stated the west Harborwalk had been designed as seven separate stormwater construction zones, explaining if any construction was performed within a zone, all stormwater improvements must be constructed. He then provided a detailed description of the required improvements for the small boat launch and seawall project which was ready to go out for bid, noting the stormwater improvements would also facilitate the remainder of improvements for that particular zone.

Mr. Hilston then displayed a PowerPoint presentation, as delineated in the agenda material, providing a detailed description of each of the zones and estimated costs as follows: Zone 7 - \$1,100,624, Zone 6 - \$550,110, Zone 5 - \$289,350, Zone 4 - \$813,797, Zone 3 - 64,696, Zone 2 - \$95,250 and Zone 1 - 260,946.

City Manager Kunik advised projects in future years were based upon estimated costs, adding same may be revised as the time neared.

**Councilmember Friedman** stated he felt if members agreed with expending \$200,000 for the drainage improvements on Aqui Esta, staff should determine if that estimate was accurate prior to deciding whether to move forward. He opined as stormwater improvements were required for each Harborwalk zone, he felt the entire Zone should be constructed. He stated it seemed to be logical to begin with Zone 7 and move onto the adjacent Zone once completed if funds remained. He concluded it did not make sense to jump down to Zones that were farther away.

**Councilmember Wallace** inquired if it was possible to construct only the walkway without being required to make the stormwater improvements.

Mr. Giardullo responded affirmatively in certain areas; however, some improvements would require smaller stormwater improvements.

**Councilmember Albers** commented on the frequent use of the playground and tennis courts and requests for Bocce Courts in Zone 4, suggesting funds be expended to improve same.

**Councilmember Friedman** recommended accurate figures be provided for Aqui Esta drainage improvements and Harborwalk Zones 4 and 7, noting once estimates were provided a decision could be made whether to go out to bid.

Discussion ensued with regard to anticipated funding, with a consensus of members to go out to bid with Zone 7.

### **RECOMMENDATION FROM CITY OFFICERS**

#### **CITY MANAGER**

City Manager Kunik advised staff was preparing the former Public Works Campus for an Enhancement Zone in order to be able to market same when the economy improved. He then stated boat trailers had been parking in the center of the greenspace in Ponce Park which required driving over the curb and reduced park space.

Consensus of members was to post signage to prohibit same.

City Manager Kunik stated cars were starting to park on the right-of-way (ROW) on Cooper Street in the area of Gulf Breeze Apartments which could cause a traffic hazard.

**Councilmember Keesling** stated the same situation was occurring on Shreve Street in the area of the Life Care Center.

Councilmember Friedman **MOVED** approval to post the first two locations, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

#### **CITY ATTORNEY**

**Notice of Potential Conflict of Interest from Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. in the matter of Premier American Bank v. Punta Gorda Hotel, LLC and City of Punta Gorda.**

City Attorney Levin explained the City had been served with a complaint filed by the bank seeking to foreclose on a loan owned by Punta Gorda Hotel, LLC (PGH) on the basis of an outstanding Code Enforcement lien in the amount of \$675. He stated the City typically filed an answer to the complaint in hope there would be adequate funds should the property be foreclosed to repay the lien; however, in this case it was

necessary to bring to the Court's attention the agreement with PGH regarding an easement for the Harborwalk and to permit, construct and manage the west mooring field. He stated he had been informed his firm represented Premier American Bank on a number of unrelated matters, thus it would be necessary for him to withdraw from representing the City in this matter. He recommended the appointment of Cody Vaughan-Birch of Henderson, Franklin, Starnes & Holt, P.A. as special counsel to represent the City in this matter.

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

**MOTION UNANIMOUSLY CARRIED.**

#### CITY CLERK

City Clerk Foster announced the Governor had signed House Bill 311 related to Local Business Taxes the previous day, thus the City's Equity Study Commission would be reconvened to provide any recommendations to City Council with regard to the necessary ordinance amendment.

#### BOARDS AND COMMITTEES

##### **Announcement of Vacancies**

Board of Zoning Appeals – Alternate

City Clerk Foster announced the vacancy.

Code Enforcement Board Alternate

City Clerk Foster announced the continuing vacancy, noting an applicant had been provided to members, thus the appointment could be made this date.

Councilmember Albers **MOVED** to nominate and appoint Mr. Herman Novak, **SECONDED** by Councilmember Friedman.

**MOTION UNANIMOUSLY CARRIED.**

Historic Preservation Advisory Board – Alternate (2)

City Clerk Foster announced the vacancies.

Utility Advisory Board

City Clerk Foster announced the vacancy.

##### **Nominations**

Building Board

Councilmember Albers **MOVED** to nominate and appoint Mr. Thomas Cavanaugh, **SECONDED** by Councilmember Friedman.

**MOTION UNANIMOUSLY CARRIED.**

Planning Commission (2)

Councilmember Albers **NOMINATED** all interested parties.

The meeting was adjourned at 12:02 p.m.

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Mayor

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City Clerk