



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, AUGUST 10, 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; Butch Arenal, Police; Ray Briggs, 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

Discussion of Options Related to Best Western Harborwalk Easement

Mr. Cody Vaughan-Birch, Counsel, explained as the City's lien for code enforcement action had been satisfied and the City's best interest in the property was the existing development agreement, he did not feel foreclosure was in the City's best interest. He advised he had spoken to the attorney for Premier American Bank who had indicated he and his client recognized the value of the Harborwalk project and would encourage his client to grant an easement to the City in the event Premier Bank assumed ownership through their foreclosure action, adding same may take many months. He pointed out due to the fact there had been no response by Punta Gorda Hotel regarding the City's offer to amend the development agreement, he felt the City's options were as follows: pursue a claim in the foreclosure action, pursue code enforcement action related to the 1994 variance for setback in which the applicant agreed to grant an easement to the City, or pursue enforcement of the existing development agreement. He recommended the City pursue the latter by means of a demand letter requiring performance by Punta Gorda Hotel under either the existing or amended development agreement. He explained if Punta Gorda Hotel did not respond, the City could enforce the terms of the agreement through court ordered injunctive relief.

Councilmember Friedman confirmed the City's existing agreement was valid irrespective of the results of the foreclosure action. He inquired if the mortgage holder should have signed the development agreement.

Mr. Vaughan-Birch responded while same was preferable, it was not statutorily required.

City Attorney Levin asked if the recommendation was to move forward with enforcement of the agreement by means of legal action at this time. He voiced concern with the time involved, asking if the injunction would be concluded prior to the foreclosure.

Mr. Vaughan-Birch responded he felt the injunction would be lengthier than the foreclosure process.

City Attorney Levin inquired if the complaint must be filed immediately or if same could be filed following the conclusion of the foreclosure process.

Mr. Vaughan-Birch stated the statute of limitations would most likely start at the breach of the contract, responding he would research same and provide information to members.

Councilmember Keesling inquired if the injunction and the foreclosure would ever be joined.

Mr. Vaughan-Birch stated same would be dependent on the opinion of the bank, adding he was unsure if they were aware of the proposed amended development agreement. He stated filing an injunction may incur legal costs that would not be necessary if the bank was amenable to working with the City upon completion of the foreclosure action.

Councilmember Friedman questioned the value of seeking injunctive relief, considering the City preferred the amended agreement.

Mr. Vaughan-Birch concurred seeking approval of same was preferred.

City Attorney Levin stated he felt unless there was a statute of limitations as to when the complaint must be filed, it would be prudent to await the conclusion of the foreclosure action. He opined the bank would be willing to cooperate, adding if Punta Gorda Hotel retained ownership, the development agreement could be enforced.

Councilmember Friedman inquired if the demand letter would lend credence to the City's standing.

Mr. Vaughan-Birch responded in the affirmative.

Councilmember Friedman added it was an opportunity to outline the amendment, so as to inform the bank of same.

City Attorney Levin inquired as to receivership.

Mr. Vaughan-Birch explained the bank had requested a receiver be appointed; however, the courts did not grant same.

Discussion ensued with regard to recording the existing development agreement.

City Attorney Levin suggested Mr. Vaughan-Birch research the statute of limitations and recording of development agreements.

Councilmember Friedman recommended all future development agreements be recorded.

Councilmember Albers **MOVED** approval of the demand letter with details of the amended agreement, **SECONDED** by Councilmember Keesling.

MOTION UNANIMOUSLY CARRIED.

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

Councilmember Friedman commented he was somewhat underwhelmed with the expertise regarding the Best Western issue, requesting the City Attorney insure the City was being well represented in a timely manner.

PUBLIC HEARINGS

GA-10-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 6, "Boats, Docks and Waterways", Article 1, Section 6-6(c)(4)(d), Punta Gorda Code, requiring all new boat docks or slips to be used for the berthing of boats on a long-term basis and the conversion of existing docks or slips to be used for the berthing of boats on a long-term basis in the Burnt Store Isles Subdivision (PGI Section 15) to have boat lifts or davits; requiring the recording of a restrictive covenant for the construction of new boat docks or slips which are not to be used for the berthing of boats on a long-term basis; adding a grandfather provision for existing boat docks and slips; providing for conflict and severability and providing an effective date.

FIRST READING

Continued from May 18, 2011

City Attorney Levin read the ordinance by title.

City Manager Kunik explained the proposed ordinance had been continued by the Burnt Store Isles (BSI) Canal Advisory Committee (CAC) to gain answers to questions raised during their public hearing, adding they had subsequently held the continued public hearing with a recommendation for approval.

Councilmember Friedman mentioned the ordinance referenced boat lifts or other devices, suggesting other devices be eliminated entirely. He noted if something was designed in the future, the ordinance could be amended to include same.

Councilmember Albers suggested the word “approved” be inserted in front of boat lifts or other devices.

Discussion ensued with a consensus to make no changes to the proposed ordinance.

Mayor Goldberg called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

GA-16-11- An Ordinance of the City of Punta Gorda, Florida, amending Chapter 17, "Public Utilities", Punta Gorda Code, Article I, "General Provisions: Water Rates", amending Section 17-7, Subsections (a), (b) and (c) by decreasing water system charges; amending Section 17-18, Subsections (a) and (b) by decreasing wastewater system charges; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

Mayor Goldberg stated he was strongly in favor of maintaining the current utility rates, drawing members’ attention to the example proformas, as delineated in the agenda material, which envisioned debt payments in earlier years which would provide a savings of over \$1,000,000.

Councilmember Albers stated unless a member had changed their view, he did not feel discussion was warranted. He stated he was a proponent in spending reserves to pay debt down and utilizing cash for projects.

Councilmember Keesling stated she felt the reduction of rates should be delayed and the discussion be referred to the Utility Advisory Board (UAB) for a recommendation.

Mayor Goldberg stated he had comments from citizens who were opposed to the reduction based upon concerns regarding future indebtedness.

Councilmember Friedman pointed out the situation was not related to debt, but rather toward acknowledging it could have been better handled. He maintained the debt situation was much better than members had previously been informed. He provided a detailed review of previous discussions related to the prior increase which had been enacted the previous year.

Councilmember Albers countered reserves should have been used in the past to pay down the debt.

Discussion ensued with regard to future capital funding requirements.

Mayor Goldberg stated members had the option to approve, deny or continue the ordinance to remand same to the UAB for recommendation.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Keesling **MOVED** to continue GA-16-11 until September 7, 2011 to obtain a recommendation from the UAB, **SECONDED** by Councilmember Albers.

Councilmember Friedman pointed out the UAB had been requested to review same in February with no results.

VOTING AYE: Albers, Keesling, Goldberg.

VOTING NAY: Friedman, Wallace.

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City Council of the City of Punta Gorda, Florida, approving the 2011 Community Development Block Grant Action Plan for the City of Punta Gorda and authorizing Staff to submit all approved documents to the Department of Housing and Urban Development.

SECOND PUBLIC HEARING

City Attorney Levin read the ordinance by title.

Mayor Goldberg called three times for public comment.

Councilmember Wallace **MOVED** to close the public hearing, **SECONDED** by Councilmember Keesling.

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

A Resolution of the City of Punta Gorda, Florida, designating those parcels identified on the map attached hereto as Exhibit "A" as a Brownfield Area for the purpose of Environmental Remediation, Rehabilitation, and Economic Redevelopment; naming the Brownfield Area as "The West Henry Street Enhancement Zone"; designating the Community Redevelopment Agency as the Brownfield Advisory Committee; directing the City Clerk to notify the State of Florida Department of Environmental Protection of the designation of the West Henry Street Enhancement Zone as a Brownfield Area; providing for conflicts; providing for severability; and providing for an effective date.

SECOND PUBLIC HEARING

City Attorney Levin read the resolution by title.

Mayor Goldberg called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

QUASI-JUDICIAL PUBLIC HEARINGS

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

SV-01-11 - A Resolution of the City Council of the City of Punta Gorda, Florida vacating that undeveloped right-of-way being a portion of Block 109, running east to west and lying between Lots 1 through 9 and Lots 10 through 18, Town of Punta Gorda, being an unimproved 41 foot wide street according to the plat thereof as recorded in plat book 1, page 14 of the Public Records of Charlotte County, Florida containing 17,858 square feet; and providing an effective date.

Continued from July 13, 2011

City Attorney Levin presented the request for vacation.

Ms. Teri Tubbs, Zoning Official, explained the request was made following a design studio meeting with regard to development of the property as a Family Dollar Store which would enable the ingress/egress needed for the delivery trucks. She explained staff had conveyed Council's desire to utilize an occupation of right-of-way (ROW) in lieu of a vacation, adding the applicant was not in favor of same. She advised the applicants were not the developers, thus they had no desire to expend funds for engineering at this time.

Councilmember Friedman questioned same.

Ms. Tubbs explained the developer had not yet purchased the property, adding the sale was predicated on the vacation being approved. She then noted the stormwater issue was evident for the entire block, rather than just the subject property.

Mr. Randy Fassett, applicant, explained he represented the majority of property owners adjacent to the alley, adding he had spoken to another owner who had indicated he had no objection to the vacation. He stated the developer had a letter of intent to purchase the property based upon the site plan as proposed, which had expired; however, he had emailed that he was interested in moving forward, but would not renew the letter of intent until the vacation was approved. He asserted the vacation was necessary to provide adequate turning radius for the delivery trucks as well as the necessary parking spaces. He stated any development required stormwater retention, pointing out the alley dead ended at a railroad track, thus it could not be utilized for travel or a walkway. He commented the business was appropriate for the area, adding

the developer would meet all requirements from the City, adding same would contribute impact fees and taxes as well.

Councilmember Friedman recalled members had directed staff to research an alternative scenario such as an occupation of easement as the property was in a significant location. He stated the alley way could possibly provide a link to a potential future linear park utilizing the railroad. He asked why the applicant would not consider the occupation of ROW for only the portion of the alley that was necessary for the Family Dollar Stores rather than a vacation of the entire alley.

Mr. Fassett stated staff had informed them an occupation of easement might be granted; however, if the City desired same back, it could be reversed. He stated the developer could not move forward under those conditions, adding a 99 year occupation of ROW may be acceptable.

Mr. David Hilston, Urban Design Manager, stated all of the occupation of easement documents had standard language that same was reversible; however, he was comfortable with a 99 year term.

City Attorney Levin explained the proposed use of the ROW would dictate the appropriate terms.

Councilmember Albers stated he would approve an occupation contingent on it being approved only upon development of the property and the property owner funding the stormwater improvements and relocation of the Florida Power & Light (FPL) poles.

Councilmember Keesling inquired if only the portion of the alley that was needed could be vacated.

Councilmember Friedman responded the entire width must be vacated which would eliminate access from US 41.

Discussion ensued with regard to possible site plan configurations.

City Attorney Levin suggested Mr. Fassett speak to his client with regard to what terms would be required in order to enter into an occupation of easement for only the area required for parking spaces.

Consensus of members was to look favorably upon an occupation of the necessary area for a 50 year period.

Councilmember Friedman recommended same be contingent on stormwater issues and a period of time to begin construction or same would become void.

City Attorney Levin suggested the easement not go into effect until a certain milestone was met such as receipt of a building permit.

Councilmember Keesling inquired if maintaining a portion of the alley would improve stormwater issues for the remaining properties.

Mr. Mark Gering, City Engineer, responded affirmatively, explaining a swale provided stormwater drainage for the remaining properties.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

ZA-08-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26, Punta Gorda Code known as "The Land Development Regulations", Article 11, "Sign Standards", amending Section 11.3, "Permitted Signs", Subsection 11.3.(c) Changeable Copy Signs, removing provision regulating content and renumbering accordingly; 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 Keesling.

MOTION UNANIMOUSLY CARRIED.

NOTE: A short break was called at 11:28 a.m.

CONSENT AGENDA

Councilmember Friedman pulled items D-1 and F-1.

City Manager Kunik reported the agreement for item C-1 had been amended to include language indicating indemnity only applied to Florida Statute issues.

ITEM D-1: Councilmember Friedman inquired if "for a paramount public purpose" could be eliminated from the occupation of easement.

City Attorney Levin responded there was no way to know if the City required same for a more important purpose than the proposed use.

Councilmember Friedman stated as the City retained ownership, he did not feel the verbiage was necessary as same could provide the other party with the opportunity to argue the City's stance.

City Attorney Levin responded same could be eliminated.

Consensus of members was to amend same to eliminate the verbiage.

ITEM F-1: Councilmember Friedman stated the decision to share in the funding for Aqui Esta sidewalks had been made when the project would encompass an area from Coronado Drive to US 41, which was approximately half in the City and half in the County, adding the project had been reduced in scope. He stated the final project amounted to $\frac{3}{4}$ of it being in the County's jurisdiction with the City being required to provide improvements to areas within the current project. He stated at this point it was not a fair division of funding, adding it was a large amount of funding on a sidewalk that would see little use.

Councilmember Albers agreed, suggesting City Manager Kunik discuss same with the County Administrator as to whether the project was still desired and if so, to assume a better share of the funding.

Discussion ensued with regard to the specifics of the project.

Mr. Gering stated the \$500,000 estimate included the purchase of ROW to include the swales, adding they had discussed same with Southwest Florida Water Management District (SWFWMD) who had agreed to allow piping and fill in the swales which provided a better project.

Councilmember Friedman stated that made the project more valuable; however, he did not feel the split in costs was equitable. He questioned whether the County was aware \$500,000 was to be expended for a mile of sidewalk.

Councilmember Albers stated he felt the City should advise the County they wished to place the project on hold.

Mayor Goldberg voiced uncertainty as to whether it should be put on hold or rather to seek alternatives.

City Manager Kunik stated he would contact the County for comment, and place the item on the next Council agenda.

Mr. Gering explained the County had provided the bulk of the design, adding the agreement had been reviewed by the County Attorney in anticipation of placing same on their agenda for approval.

Councilmember Albers **MOVED** approval of the consent agenda as amended and to continue Item F-1 to August 17, 2011, **SECONDED** by Councilmember Wallace.

MOTION UNANIMOUSLY CARRIED.

A. City Clerk's Department

1. Approval of Minutes: Regular Meeting of July 13, 2011

B. City Manager's Department

1. Memorandum of Understanding Creating Lieutenants' Positions in the Police Department

C. Finance Department

1. Agreement award to ICMA-RC of Washington, DC for 401A Defined Compensation Plan Services
2. Award Agreement to Foster & Foster, Inc. to prepare required bi-annual Other Post Employment Benefits actuarial valuation and report.
3. Award of Amendment #17 - Specific Authorization #23 - Forcemain Renewal Literature Review & Survey in accordance with Master Agreement #U06094/Water and Wastewater Master Planning with Carollo Engineers, P.C.
4. Award of Amendment #2 - Specific Authorization #3 - Design Services for drainage improvements in expanded project area in accordance with Master Agreement #U07078/Downtown Drainage Improvements with WilsonMiller, Inc.

5. Transfer \$1,000,000 from Utilities Operation to Utilities Capital Improvement Program

D. Growth Management Department

1. A Resolution of the City of Punta Gorda, Florida, granting approval for Old Punta Gorda, Inc., d/b/a Punta Gorda Historical Society to occupy a portion of the vacated Charlotte Avenue right-of-way; authorizing the Mayor to sign the occupation; authorizing the City Clerk to record the occupation; and providing an effective date.

E. Police Department

1. Charlotte County Marine Advisory Committee Grant Applications

F. Public Works Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving an Interlocal Agreement between City of Punta Gorda and Charlotte County for construction of sidewalks on Aqui Esta Drive; authorizing the Mayor to execute the Interlocal Agreement; and providing an effective date.
2. A Resolution of the City of Punta Gorda, Florida, approving Modification Four to Federally Funded Subgrant Agreement 07hm-7@-09-18-02-062 between the City of Punta Gorda and the State of Florida, Department of Emergency Management; authorizing the Mayor of the City of Punta Gorda to sign the Agreement; and providing an effective date.

G. Legal Department

1. Invoice of Allen, Norton & Blue, P.A. for services rendered in June 2011
2. Invoice of the Farr Law Firm for services rendered in June 2011
3. Invoice of Henderson Franklin, Starnes & Holts, P.A. for services rendered in June 2011.
4. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq. from June 9, 2011 through August 4, 2011.
5. Monthly Litigation Report August 2011

UNFINISHED BUSINESS

Aqui Esta Phase III - Right-of-Way Improvements

Mr. Gering explained staff had been requested to review a phase 3 project to address the steep slopes, handrails and driveway grates between Bal Harbor Boulevard and Magdalena Drive as constructed during Charlotte County's Phase 1 project. He then identified the following options: 1) make swales shallower by placing fill and sod in the deepest swales and removing handrails to make mowing easier at an estimated cost of \$141,197. SWFWMD would require a \$5,000 study of feasibility prior to endorsing

same, 2) make swales shallower by placing pipes, fill and sod in the deepest swales with elimination of the handrails and replacement of driveway grates with pipe on approximately 1/3 of the driveways at an estimated cost of \$228,482. SWFWMD has conceptually approved same, and 3) make all swales shallower by placement of pipe, fill and sod, with elimination of all handrails and replacement of all driveway grates with pipe at an estimated cost of \$341,067. SWFWMD has conceptually approved same. He stated the project area encompassed some 39 drives and 3,900 feet on the north side of Aquí Esta and 4 drives and 1,200 feet on the south side. He concluded upon direction from Council, staff would enter negotiations with Johnson Engineering, engineer of record for the Aquí Esta project, to provide design and permitting services. **Councilmember Keesling** questioned specific costs, as delineated in the agenda material.

Mr. Gering stated the main difference in cost between Option 1 and 2 was the cost for pipe in Option 2.

Discussion ensued with regard to project engineering.

Councilmember Albers stated the main complaint was related to the handrails, adding he felt elimination of same should be the priority. He asked if staff felt SWFWMD would approve of Option 1.

Mr. Gering responded with uncertainty, adding a two foot deep swale was not necessary to drain stormwater off the roadway. He noted filling same with dirt would make the swales similar to all others in residential areas.

Councilmember Wallace questioned the funding source.

City Manager Kunik responded same was unfunded which would require diversion of Infrastructure Sales Surtax (ISS) from another project that might be delayed.

Councilmember Friedman pointed out if it were funded from ISS funds, those funds would have to be covered by general fund tax dollars. He opined same was a large amount of funding from the upcoming budget, asking if same could be delayed until the economy improved. He concluded it may be possible to simply remove the handrails.

Mayor Goldberg asked if the rails could be removed.

Councilmember Friedman opined same may be problematic given a professional engineer designed and required them.

Councilmember Albers stated he felt removal of the handrails with minimal swale work might satisfy the property owners in the worst areas.

Discussion ensued with regard to requirements associated with sidewalk clearance and drainage swales.

Councilmember Friedman commented a small fix would not be well received if the sidewalks in the County's jurisdiction were constructed as discussed above, suggesting the roll forward millage rate that had tentatively been adopted would provide adequate funding for Option 3 to repair this in the best manner.

Consensus of members was to direct staff to explore corrections only in the swales where handrails were located to enable removal of the handrails.

NEW BUSINESS

Shreve Street Lighting - Magdalena Drive to West End Drive

Mr. Gering stated upon request by a citizen to install lighting at this location, staff has determined that due to their being no FPL poles in this area, the estimated cost for FPL to install six poles and three lights was \$10,000, adding same would be standard with lighting in residential neighborhoods. He stated another option would be to install 14 decorator lights at a cost of \$35,000, noting same was the standard spacing for use of decorator lights. He then stated bollards such as being used on the Harborwalk would also cost \$35,000, noting same would not shine light into the roadway.

Councilmember Albers asked if the decorator lights could be spaced further apart.

Mr. Gering responded same would result in dark areas between lights.

Mayor Goldberg stated he preferred the FPL poles, pointing out the area was more commercial than residential. He noted the two areas at either end of the area had FPL poles and lights.

Councilmember Keesling inquired if the decorator lights would illuminate the street and the MURT.

Mr. Gering replied in the affirmatively.

Mr. Ray Rose, Punta Gorda Isles Civic Association (PGICA), stated the association would support the FPL proposal as same was more in keeping with the neighborhood. He further requested one of the lights be located near their driveway as same was very dark.

Councilmember Keesling spoke in opposition to additional overhead wiring, adding same would not add anything aesthetically to the MURT.

Councilmember Friedman concurred, suggesting same be tabled until the use of the MURT was determined at which time bollard lighting should be considered. He stated the topic was precipitated by a comment the drives to the Civic Association were dark, thus it might make sense to explore one light at that location.

Mr. Gering stated there was a pole at either end of the area, which FPL could add a light to.

Councilmember Keesling **MOVED** approval to request FPL to provide a light on the existing poles and to request PGICA to install a private pole at their location, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

RECOMMENDATION FROM CITY OFFICERS

CITY MANAGER

2012 Charlotte County Legislative Delegation - Local Bill Requests

City Manager Kunik reported staff recommended the inclusion of requests to allow flexibility with regard to the Chapter 175 and 185 pensions to provide the ability of having defined contribution and relaxed regulations with regard to expenditures of the State insurance funds, asking if members had any further requests.

Councilmember Albers stated the City was not permitted to negotiate with Architects or Engineers by State law, thus he suggested it be requested that same be amended to allow price to be considered as a part of the bid process.

Consensus of members was to include all three items.

Discussion of agenda items for September 9, 2011 Joint Meeting with the Charlotte County Board of County Commissioners

City Manager Kunik inquired if members had any topics they wished to be added to the agenda for the upcoming meeting. He noted suggestions thus far were as follows: Economic Development Strategic Plan, update on Tourism Team effort and plans for Jones Loop Road railroad crossing.

Councilmember Friedman mentioned the suggested items would not be benefitted by the joint meeting, as same could be presented to each group individually.

Mayor Goldberg stated it was a shame to cancel two meetings in a row.

Councilmember Friedman stated the Aqui Esta project could be discussed along with the Jones Loop update.

Councilmember Albers suggested City Manager Kunik inquire of the County if they had any items and if not, to cancel the meeting.

Consensus was to request the strategic plan and tourism team presentations be made at a Council meeting.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals

City Clerk Foster announced the vacancy.

Utility Advisory Board

City Clerk Foster announced the vacancy.

Waterfront Development Advisory Committee

City Clerk Foster announced the vacancy.

Nominations

Building Board (2)

Councilmember Friedman **MOVED** to nominate and reappoint Ms. Mary Fleenor and Mr. Peter Cocarro, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

Historic Preservation Advisory Board – Alternate (2)

Councilmember Friedman **MOVED** to appoint Mr. Teddy Shively and to continue the remaining vacancy, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

POLICY AND LEGISLATION

FRIEDMAN: Commented the millage rate would be discussed during the public hearings in September, adding if there was a possibility members would reduce same from the roll forward rate, it should be made public at the next meeting to inform residents at the same time the County sent out the TRIM notice.

WALLACE: Remarked he was serving on the Southwest Florida League of Cities Government Affairs Committee and would report on any discussions held during the upcoming conference.

KEESLING: Advised the Regional Planning Council was returning to the desired level of service, adding a new Executive Board was in place as well.

CITIZENS' COMMENTS

Mr. Rose commented he had many more comments on the sidewalk between Magdalena Drive and US 41, adding same would provide a great benefit for residents of PGI. He urged members not to delay or cancel the project.

Mr. Steve Fabian stated he felt phase 3 of the Aqui Esta project should be done in its entirety rather than in parts.

The meeting was adjourned at 12:56 p.m.

Mayor

City Clerk