



**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, SEPTEMBER 7, 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**

**Patriot Day in Punta Gorda**

**Mayor Goldberg** read the proclamation, speaking of the events planned for the tenth anniversary of September 11<sup>th</sup>.

**Constitution Week**

**Mayor Goldberg** presented the proclamation to Ms. Debbie Harrington, Daughters of the American Revolution.

**Certificate of Recognition - Ronald W. Gimble**

Police Chief Butch Arenal presented the certificate to Mr. Gimble, for his assistance with a recent despondent person on the US 41 Baron Collier Bridge.

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

**PUBLIC HEARINGS**

**GA-14-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 6, "Boats, Docks and Waterways", Punta Gorda Code, amending Section 6-22, "Interference with Navigation Prohibited, Exception", due to legislative changes; amending Chapter 26, Punta Gorda Code, also known as "The Land Development Regulations, amending Section 3.3, "MP, Marina Park District", Subsection (d), "Prohibited Uses and Structures", removing the defined anchorage area of**

**Gilchrist Park; providing for conflict and severability and providing an effective date.**

FIRST READING

City Attorney Levin read the ordinance 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 Friedman **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

Continued from August 10, 2011

City Attorney Levin read the ordinance by title.

**Councilmember Friedman** distributed several profomas, as delineated in the agenda material, stating if the Utility Department was private rather than public, raising rates would require approval by a regulatory agency. He then provided a detailed background of actions relating to the utility rate that had occurred since 2009, explaining a review of long range utility planning was undertaken in January, 2011. He stated at that time he had made a presentation that the 3% increase could be deferred for 5 years, adding staff provided information to illustrate the increased rates would enable debt payments to be increased. He pointed out the fund's reserves were much greater than the desired level, adding a consensus of members agreed to review the situation during the fiscal year 2011/2012 planning process, wherein a decision could be made to leave the 3% increase in place or to remove same if it was determined to be unnecessary. He then gave a detailed explanation of each proforma, pointing out where his opinion differed from staff's proposals in that revenues had increased, capital improvement costs and debt service had decreased. He asserted the 2010 increase was unnecessary and was less needed at this time, reiterating his desire to return same to the rate payer. He then mentioned the proformas prepared by staff, denoted in the agenda material, stating one assumed the increase would be rescinded as of October, 2011 resulting in the need for a 9% increase in 2017 and at least that much in 2018. He then stated the second staff scenario, which retained the rate

increase, resulted in the need for an increase of 6% or 7% in 2017 and 2018. He mentioned the additional funds collected by the 3% increase over the 6 year period, stating he felt it was much fairer to rescind the increase at this time and await the possible need for an increase in future years. He concluded a capital intensive operation would always carry some debt, stating the 3% increase equated to \$384,000 per year, which was less than 1½% of the utility's debt. He concluded with a chart depicting the relationship of the rate increase per ratepayer each year and the annual debt cost. He reiterated an incorrect decision had been made the previous year, thus Council owned it to the ratepayer to repair the mistake and return the funds to them.

**Councilmember Wallace** asked for information related to the projection for the relief force main, as same was much less than what had been projected.

City Manager Kunik stated the project came in much less when bid, adding no right-of-way (ROW) purchase was necessary.

**Councilmember Wallace** stated the reduced capital outlay was certainly something to consider.

**Councilmember Albers** stated members had come to a decision where reserves should be utilized to pay down the debt, adding debt would continue throughout the upcoming years. He stated rather than have such a large increase in future years, he felt the current rate should be maintained to enable the fund to continue reducing debt.

**Mayor Goldberg** stated utilizing the reserves in the next year to pay down debt saved money in the future years, thus he supported retaining the rate increase.

**Councilmember Keesling** stated she had attended the Utility Advisory Board (UAB) meeting where an in-depth discussion was held, adding they supported retaining the current rate, as did she.

**Mayor Goldberg** called three times for public comment.

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

**MOTION UNANIMOUSLY CARRIED.**

**Councilmember Wallace** stated he felt the rates should be reduced rather than amassing funds in reserves.

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

**VOTING AYE: Wallace, Friedman.**

**VOTING NAY: Albers, Keesling, Goldberg.**

**MOTION FAILED.**

**GA-19-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 9A of the Punta Gorda Code, "Code Enforcement and Abatement of Nuisances", Article IV, "Nuisances Specified", Section 12, "Generally", to clarify where personal property must be viewable in order to constitute visual blight; providing for conflict and severability and providing an effective date.**           **FIRST READING**

City Attorney Levin read the ordinance by title.

City Manager Kunik recalled previous discussion regarding the intent of the ordinance as it related to where visual blight must be viewed in order to constitute a violation, adding the proposed amendment would clarify same within the City's code.

**Mayor Goldberg** called three times for public comment.

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

**GA-21-11 - An Ordinance of the City of Punta Gorda amending the City of Punta Gorda General Employees' Retirement System, adopted pursuant to Ordinance 1671-11, as subsequently amended, is hereby further amended by amending Section 1, Definitions; Section 2, Membership; Section 5, Contributions; providing for severability of provisions; repealing all ordinances in conflict herewith and providing an effective date.**           **FIRST READING**

City Attorney Levin read the ordinance by title.

City Manager Kunik stated the proposed amendment would incorporate changes including an increase in the employee's contribution from 6.1% to 8.1%, defining pensionable wages as provided in State Statutes and allowing nonvested members in the defined benefit plan a one time option to transfer to the defined contribution plan.

**Mayor Goldberg** called three times for public comment.

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

**ORDINANCE/RESOLUTION**

**No Public Hearing Required**

**GA-18-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 20, "Streets and Sidewalks", Punta Gorda Code, by adding a new Section 20-10,**

**prohibiting the use of motorized vehicles on city sidewalks and bike paths; providing for exemptions; providing for enforcement and penalties for violations; 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.**

**ZA-09-11 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26, Punta Gorda Code, known as "The Land Development Regulations", amending Article 8, Section 8.5, Subsection (b), re-establishing the permitted fence heights in single family residential zoning districts outside of the Special Residential Overlay District; providing for conflict and severability; and providing an effective date.**

**SECOND READING**

City Attorney Levin read the ordinance by title.

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

**MOTION UNANIMOUSLY CARRIED.**

**CONSENT AGENDA**

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

**MOTION UNANIMOUSLY CARRIED.**

**A. City Clerk's Department**

1. Approval of Minutes: Regular Meeting of August 17, 2011

**B. City Manager's Department**

1. A Resolution of the City of Punta Gorda, Florida, establishing a 401a Defined Contribution Retirement Plan; and providing an effective date

**C. Fire Department**

1. Department of Homeland Security Assistance to Firefighters Grant

**D. Legal Department**

1. Invoice of Allen, Norton & Blue, P.A. for services rendered in July 2011
2. Invoices of the Farr Law Firm for services rendered in July 2011
3. Invoice of Henderson, Franklin, Starnes & Holts, P.A. for services rendered in July 2011.
4. Monthly Litigation Report

**NOTE: A short break was called at 10:47 a.m.**

**UNFINISHED BUSINESS**

**Proposed changes in design for Linear Park II (Shreve to US 41S/Cross Street)**

Mr. Dennis Murphy, Growth Management Director, displayed a PowerPoint presentation, as delineated in the agenda material, explaining during discussions with the First Baptist Church regarding an ingress/egress easement, the Church suggested the City purchase a 25 foot wide strip of land between Chasteen and McGregor Streets to allow the path to remain on the north side of the street, thus eliminating two foot bridges estimating to cost \$100,000. He stated redesign and permitting costs were estimated at \$10,000. He stated the church had requested that the City purchase another piece of property on Gill Street as same would be unusable if the first strip were sold. He requested Council authorization to request an appraisal on the two parcels and to negotiate a purchase price based upon same.

**Mayor Goldberg** voiced support of gaining appraisals to determine the value of the property.

**Councilmember Wallace** pointed out the City's project would enhance the church's property, thus he was unsure why they weren't amenable to providing an easement rather than purchase.

**Councilmember Keesling** inquired if possible elimination of the compass rose and ensuing need for less property had been discussed with the church.

Mr. Murphy responded affirmatively.

**Councilmember Friedman** concurred with comparing costs; however, he stated he felt the meandering trail crossing the water was more preferable than a flat trail.

Consensus of members was to authorize staff to move forward with the appraisals.

### **NEW BUSINESS**

#### **FY 2012 Strategic Plan Input**

**Mayor Goldberg** stated many people had a different interpretation of what a strategic plan was, explaining he felt even though most projects were able to be accomplished in the next few years, longer term projects could be included to research funding mechanisms and like aspects. He noted some items provided by citizen input were things that staff did on an ongoing basis, thus not germane to a strategic plan.

City Manager Kunik drew members' attention to the draft plan, as delineated in the agenda material, explaining suggestions had been incorporated therein. He advised upon direction by Council, a final plan would be presented at the next meeting for approval, thus he requested a review as to whether to include the suggested items. He then provided a summary of items included under the following categories: administration, business development, quality of life, stakeholders and waterfront/canal system.

Consensus of members was to include the following suggestions: reassessment of strategic planning process and financial management under administration and listing additional stakeholder groups under stakeholders.

Discussion ensued with regard to moving the remaining item listed under waterfront/canal to the quality of life section, with a consensus to do so.

**Councilmember Keesling** commented discussion toward the ADA access should be undertaken following the International Disabled Sailing Regatta.

Mr. Jay Buckley, WDAC Chairman, acknowledged the Waterfront Master Plan did not fit within the Strategic Plan; however, he requested members place same on an October agenda to consider adopting same as a stand alone plan. He provided detail as to the public input and support of same.

**Councilmember Albers** explained the Boat Club had been invited to attend a WDAC meeting; however, it was felt they should deal with the City as their agreement was with the City.

Ms. Cheryl Devecco stated the suggestion related to meeting essential needs related to there not being any shopping areas within the Trabue Woods neighborhood, rather than transportation. She asked that same not be removed from the Strategic Plan until a meeting of interested parties met the following week.

**Mayor Goldberg** suggested a reworded suggestion be provided for consideration by staff at that time.

Ms. Carolyn Freeland, Councilmember Elect, stated she felt it may be time for a new, more formal strategic planning process as same had been in place for eight years. She suggested a public meeting for the various stakeholders to express their mission and view for the City at this time. She stated a Strategic Plan should be a policy document which denoted the direction the City should be moving toward.

#### **Relocation of the Purple Heart Memorial to Laishley Park Memorial Garden**

Mr. Murphy advised the Military Order of the Purple Heart Chapter 759 had requested permission to relocate their monument to the Veterans Garden in Laishley Park. He explained after consideration of the various locations, it was determined that the location where the former eternal flame would be appropriate, adding same was approved by their general membership and that of the Charlotte County Veterans Association. He displayed a conceptual photograph of the proposed monument and location.

**Mayor Goldberg** stated he felt the proposed location was appropriate.

Mr. Murphy stated the requested location for the six service flags would require relocation as the proposed location would block the mural.

**Councilmember Keesling** confirmed the Chapter would maintain the flags.

Mr. Art. McGinnis, Military Order of the Purple Heart, explained they desired relocation as the current location was not well maintained and was inaccessible to anyone in a wheelchair.

**Mayor Goldberg** stated the City would be honored to have the monument.

**Councilmember Wallace** concurred.

Mr. Gene Murtha, Punta Gorda Kiwanis, stated they felt the monument would be an outstanding addition to the Veterans Garden. He stated their only concern was the location of flag poles, requesting a conceptual drawing once same was determined.

Consensus of members was to approve same.

#### **RECOMMENDATION FROM CITY OFFICERS**

##### **CITY MANAGER**

#### **Discussion of City Council meeting dates in December 2011.**

City Manager Kunik stated he had been approached with regard to rescheduling the December 21, 2011 meeting to December 14, 2011 to allow sufficient time for holiday travels.

Consensus of members was to approve same.

City Clerk Foster advised a resolution would be brought back to effect the change.

#### **BOARDS AND COMMITTEES**

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

Code Enforcement Board

City Clerk Foster announced the vacancy.

Utility Advisory Board

Councilmember Albers **MOVED** to nominate and appoint Mr. Dean Ferb, **SECONDED** by Councilmember Keesling.

##### **MOTION UNANIMOUSLY CARRIED.**

Waterfront Development Advisory Committee

Councilmember Keesling **MOVED** to nominate and appoint Mr. Dean Ferb, **SECONDED** by Councilmember Albers.

##### **MOTION UNANIMOUSLY CARRIED.**

##### **Nominations**

Board of Zoning Appeals (2)

Councilmember Friedman **MOVED** to nominate and reappoint Ms. Carol Perry and Mr. Ray Rose approval, **SECONDED** by Councilmember Albers.

##### **MOTION UNANIMOUSLY CARRIED.**

Historic Preservation Advisory Board – Alternate

Councilmember Friedman **MOVED** to nominate and appoint Mr. Gene Murtha, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

**Councilmember Keesling** inquired as to Mr. Stevens' having served the allowed number of terms on the Code Enforcement Board.

City Clerk Foster explained all board bylaws had term limits for consecutive terms; however, Mr. Stevens could apply for the next vacancy after he stepped down if he so desired.

### **POLICY AND LEGISLATION**

**ALBERS:** Mentioned the rolled-back rate to considered at the Budget Public Hearing this date, would generate \$165,000 which was not needed in the upcoming fiscal year, but would provide a cushion when balancing the budget for the following year which he had previously been in favor of. He stated non-homesteaded properties and those at parity would not recognize any change in their taxes; however, the burden of that amount would be borne solely by those who remained homesteaded which were only 25% of the City's properties, thus he had changed his view. He expressed hope the property values for the following year would either remain flat or increase, which would more fairly distribute the tax burden. He concluded he wanted to share his thought process prior to the meeting this evening.

**Councilmember Friedman** asked for an explanation.

**Councilmember Albers** explained the properties that were at parity or not homesteaded would not see an impact because the reduction in their taxable value was essentially the same as the proposed increase.

**Councilmember Friedman** countered they would be paying more than they would if the lower millage rate was adopted. He opined all properties would be funding the tax burden.

City Manager Kunik interjected many property's taxes would be reduced.

**Councilmember Friedman** concurred, adding if the roll forward rate was utilized, every property owner would be paying more than they would have than if the lower millage rate were adopted.

**Councilmember Albers** reiterated those whose taxable values were reduced would not see a tax increase if a slight increase in millage rate was adopted, acknowledging that they would not see as large a savings.

**Councilmember Wallace** maintained it would still contribute toward the \$165,000. He stated if the millage rate was increased, everyone's taxes were increased whether they were paying any more or not.

**Councilmember Albers** reiterated the net effect was that no dollars would be expended by those properties; however, their reduction in taxes would be less.

**Councilmember Friedman** commented there were two choices, one of which would cause everyone to pay more based upon the higher millage rate. He stated what someone would be paying the following year was not germane to what was being determined this year.

**Councilmember Wallace** stated by setting a higher millage rate, a property owner's tax rate increased, whether they were paying higher taxes or not based upon their property's value.

**Councilmember Friedman** stated the higher millage rate would generate \$165,000, which would be borne by all taxpayers.

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

---

Mayor

---

City Clerk