



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, JANUARY 4, 2012 9:00 A.M.**

COUNCILMEMBERS PRESENT: Albers, Goldberg, Wallace, Freeland, 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 Albers 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

Martin Luther King, Jr. Day

Mayor Albers presented the proclamation, which was accepted by Mr. Gerald Anderson, Benjamin Baker Community Development Corporation.

NOTE: Councilmember Wallace arrived at 9:02 a.m.

10 Year Service Award - PFC John Kennedy, Police Department

City Manager Kunik presented the award to Officer Kennedy.

Police Chief Butch Arenal spoke of Officer Kennedy's years with the department.

"Sports Memories" Murals - Punta Gorda Historical Society

Mr. Ron Norsel stated the Punta Gorda Mural Society (PGMS) proposed a mural of four historic panels to be located on the privacy walls of the Punta Gorda Club entitled "Sports Memories". He displayed renderings of the proposed panels, providing a detailed description of each.

Councilmember Goldberg spoke favorably toward the PGMS.

Councilmember Goldberg **MOVED** approval, **SECONDED** by Councilmember Freeland.

MOTION UNANIMOUSLY CARRIED.

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

Councilmember Freeland requested first unfinished business item follow the third new business item.

Consensus of members was to agree.

PUBLIC HEARINGS

GA-01-12 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 23, "Traffic", Article II, "Parking Areas", Punta Gorda Code; amending Section 23-13, providing reserved parking spaces for tenants of the Laishley Park Municipal Marina; providing for conflict and severability; and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title.

City Manager Kunik explained the proposed ordinance designated five newly installed parking spaces on the west of the marina building as reserved parking for marina tenants.

Councilmember Goldberg confirmed the spaces were marked.

Mayor Albers called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

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

MOTION UNANIMOUSLY CARRIED.

GA-02-12 - An Ordinance of the City of Punta Gorda, Florida, amending Chapter 6, "Boats, Docks and Waterways", Punta Gorda Code, amending Article I, Section 6-6, replacing references to the Code Compliance Division Right-of-Way Permitting Section with Building Division; amending Chapter 20, "Streets and Sidewalks", Punta Gorda Code, amending Section 20-1, replacing references to the Code Compliance Division Right-of-Way Permitting Section with Building Division; providing for conflict and severability and providing an effective date.

FIRST READING

City Attorney Levin read the ordinance by title, explaining the Code Compliance Right-of-Way Permitting section was eliminated several years ago with canal construction permitting duties being transferred to the Building Division, thus those changes were denoted in the proposed ordinance amendment.

Mayor Albers called three times for public comment.

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

MOTION UNANIMOUSLY CARRIED.

Councilmember Goldberg **MOVED** approval, **SECONDED** by Councilmember Keesling.
MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

Councilmember Goldberg **MOVED** approval, **SECONDED** by Councilmember Freeland.
MOTION UNANIMOUSLY CARRIED.

A. City Clerk's Department

1. Approval of Minutes: Regular Meeting of December 14, 2011

B. City Manager's Department

1. A Resolution of the City Council of the City of Punta Gorda, Florida supporting Metropolitan Planning Organization designation thresholds and continued operation of existing Metropolitan Planning Organizations.

C. Finance Department

1. Account Receivable Write-Offs (False Alarms)
2. Agreement award to McLeod Land Services, Inc of Punta Gorda, FL for Aqui Esta Drive Phase II Sidewalk & Drainage Improvements.

D. Fire Department

1. Additional Advanced Life Support (ALS) Equipment

E. Legal Department

1. Invoices of Farr Law Firm for services rendered in November 2011
2. Approval of a Lease Agreement between the Community Redevelopment Agency and the City of Punta Gorda, Florida for the purpose of providing access to the Peace River and public marina.
3. Monthly Litigation Report

UNFINISHED BUSINESS

Off-Premise Event Signage

Ms. Teri Tubbs, Zoning Official, stated complaints had been received from area churches regarding the weekly off-premise signage used for the History Park Farmer's Market, which operated under a Temporary Use Permit. She stated their concerns related to the regulations restricting signage for temporary promotional events. She advised staff reviewed the approval process for the History Park Farmer's Market, the Downtown Farmer's Market and Gallery Walk, providing a detailed description of each, pointing out Gallery Walk was a monthly event, while the Farmer's Markets were weekly. She requested direction as to whether same should be allowed off-premise signage at all.

Councilmember Wallace pointed out the promotions were good for the entire City, adding he felt all should be considered as events and allowed to have a sign for one day.

Mayor Albers confirmed the current rules allowed up to eight signs located 24 hours in advance. He stated limiting the amount of signs or time could be considered to prevent having too many signs.

Councilmember Wallace objected to limiting the time frame.

Councilmember Goldberg opined the number of signs had not been an issue, adding so long as they didn't exceed the allowed number.

Ms. Tubbs mentioned the provisions Gallery Walk and Farmer's Walks were permitted under were different than those for events, which would require amendment to allow the additional signage.

Consensus of members was to amend the ordinance to allow additional signage for events.

NEW BUSINESS

City Council Redistricting

City Manager Kunik displayed a map of the current district map denoting the 2000 and 2010 populations, commenting the population of Burnt Store Meadows (BSM) grew a great deal requiring a shift in district boundaries. He then displayed three options, commenting staff preferred Option A, as delineated in the agenda material. He commented Option B was not as equal in population between the districts; however, Option C was very close. He advised all options required Burnt Store Isles (BSI) to be split between two districts.

Mayor Albers advised he had met with the President of the Burnt Store Isles Association (BSIA) with regard to other options so as not to separate the neighborhood, adding barring no new options, he did not see any other options.

Mr. Charles Council, BSIA, concurred residents were concerned over the plans to split the community; acknowledging staff must comply with the Charter. He asserted fairness and equity within the community must be considered as well, commenting on the fact BSI was self contained, making it unique. He maintained splitting the community minimized their political influence. He then displayed a map, as delineated in the agenda material, denoting an option which included a portion of District 5 into District 4, thus leaving BSI intact.

Mayor Albers pointed out the area being mentioned was a nature preserve which had no population. He confirmed the suggestion was to shift BSM into District 4.

Mr. Council countered a portion of BSM would be shifted.

Mayor Albers pointed out another community would then be split.

Councilmember Goldberg inquired how splitting BSM was better than splitting BSI. Mr. Council stated it had not been considered, which was their concern.

Mayor Albers commented the portion of BSM to be shifted was geographically removed from District 4.

Councilmember Goldberg stated he felt the options proposed by staff showed a more geographic contiguity. He pointed out Punta Gorda Isles (PGI) was currently split into three districts.

Councilmember Freeland pointed out it would be an advantage for BSI to have the opportunity of two Council representatives, adding as Councilmembers represented the City as a whole, the district boundaries was not as important as in other areas. She then inquired as to the requirement for contiguity.

City Attorney Levin advised same was a Charter requirement, adding he had researched same and felt Option A best met the requirement. He then stated another section of the Charter provided City Council authority to divide the City into districts as near in population as practicable, which provided flexibility to allow District 5 to include all of BSI to maintain the community identity even with an unequal population.

Councilmember Freeland stated she felt if same was permitted, that it should be considered.

Discussion ensued with regard to possible district configurations.

Councilmember Keesling stated all options discussed this date divided one community or another.

Consensus of members was to prepare new maps for consideration by members.

NOTE: A short break was called at 10:00 a.m.

City Attorney Levin advised his opinion was based upon the Charter phrase while reviewing the agenda packet in light of the nature of communities within the City.

Long Range Financial Plan for the Fiscal Years 2012-2016

City Manager Kunik drew members' attention to the plan, as delineated in the agenda material, stating it was comprised of the following sections: major fund five year forecasts; identification of City programs and service levels and City's financial management policies and national standards.

Mr. Dave Drury, Finance Director, displayed a PowerPoint presentation denoting revenue assumptions, noting property tax values were assumed to be reduced by 2%. He noted no increase in canal assessments was proposed. He stated under expenditure assumptions, no salary increases were being considered; however, there were increases in personnel costs such as health insurance.

Councilmember Freeland stated she would like members to consider a salary increase for staff in 2013, adding same must be built into the budget as it was being prepared.

Mayor Albers stated he felt the same way, adding many previous cuts had impacted the employees. He pointed out the cost of living had increased over the three years that employees had seen no salary increase. He concurred same must be included at the beginning of the process.

Councilmember Goldberg concurred.

Councilmember Keesling stated she would consider it as an alternative until firm numbers were provided.

Mr. Drury then showed graphs of taxable values which had continued to decline. He provided information on the Utilities fund, which was in excellent financial shape over the five year period. He advised debt coverage was well within required limits, although the Community Redevelopment Agency (CRA) had some major funding problems.

City Manager Kunik opined the CRA tax base would not recover in time to meet the 2013 debt service obligations, therefore, consideration must be given to how those debt obligations would be handled when the CRA expired in 2016. He stated consideration must be given toward extending the CRA beyond that date for only debt service obligation, adding same was estimated to be two years. He suggested members discuss same with their County counterparts to begin the discussion.

Mayor Albers countered he felt it was too early to determine if an extension was necessary.

Consensus of members was to assure the County no new CRA spending would occur.

Mr. Drury stated he would be required to refinance the CRA debt in January, 2013, explaining not knowing if the CRA would be extended would make financing very problematic.

City Manager Kunik added the City had received two proposals from financial advisors, which would assist in financial planning for the CRA.

Councilmember Goldberg confirmed all outstanding CRA debt would be the responsibility of the General Fund if same existed when the CRA expired.

Discussion ensued with regard to refinancing the debt.

Mr. Drury reported the Sanitation Fund was quite solvent, adding the Building Fund was improving. He then displayed the proformas for the Laishley Park Marina, PGI and BSI Canal Maintenance Funds. He then provided detailed information as to recommended financial policy updates, adding same were based upon new State laws.

With regard to the policy relating to sales of obsolete equipment, members had no disagreement with same.

City Manager Kunik then advised the Government Finance Officers' Association (GFOA) had changed their stance on reserves, explaining rather than the previous standard minimum of 5%, the minimum was now proposed to be two months operating expenses which equated to approximately 16% to 17%.

Councilmember Freeland stated she agreed with the new proposal.

Mayor Albers stated utility funds could be borrowed at any time; however, if a problem occurred in the General Fund, it would be problematic. He stated he felt 7% was more practical.

Councilmember Goldberg stated 17% could be a goal rather than attempting to accomplish same in one year, adding he had been concerned with only 5% in reserves.

Councilmember Keesling concurred with a gradual increase.

Councilmember Freeland expressed concern with only 5% in reserves, preferring the two month reserve.

Mayor Albers pointed out the funds were derived from tax revenues, adding internal loans could be undertaken if necessary. He asked if there was a reason other than the GFOA recommendation to increase it to 17%.

Councilmember Keesling inquired as to credit ratings.

City Manager Kunik advised the credit ratings would not be good with only a 5% reserve account. He provided an explanation of how the fund balance at the end of the year was accomplished, expressing uncertainty same could continue. He recommended the policy be undertaken with the gradual increase in reserve amounts. He pointed out the Utility fund was close to the 17% limit.

Councilmember Keesling inquired as to statutory regulations.

Mr. Drury responded there was no minimum fund balance, but rather the budget must be balanced.

City Manager Kunik confirmed the consensus was to attempt to gain a 17% reserve over time.

Mayor Albers countered he did not agree with a 17% reserve.

Councilmember Wallace advised he did not either.

Councilmember Goldberg stated he was comfortable with working toward a 10% reserve.

Councilmember Wallace inquired as to the time period, pointing out it was the worst economy in years which was not the time to attempt to build larger reserves.

Councilmember Freeland suggested 7%.

Councilmember Wallace reiterated his opposition to taxing citizens to build a reserve account.

Discussion ensued with regard to the projected reserve amount with a consensus of a 7½% goal with a ½% increase in the 2013 budget if possible.

Mayor Albers confirmed members agreed to reduce the Utility fund to 7½% as well by funding projects and/or reducing debt.

City Manager Kunik stated he felt the fund's ratings could be better with the fund in its current shape. He noted the City was preparing to gain a new rating so that when financing became necessary, it would be at a more favorable rate.

Mr. Drury displayed additional proposed policy updates based upon Governmental Accounting Standards Board (GASB) related to terminology changes.

City Manager Kunik then listed the following issues to be considered: changes to pension plans for all employees, healthcare, road resurfacing millage, operational efficiencies and cost containment measures, refinancing of CRA debt balloon payment in January 2013, fee adjustments and funding of capital projects. He advised a list of budget alternatives would be provided to members for consideration in April, 2012.

Councilmember Wallace commended staff on their budget preparations in past years.

Councilmember Goldberg commented the upcoming budget year would be tougher than the previous years as a larger shortfall would exist.

City Manager Kunik stated layoffs had been avoided by eliminating vacant positions; however, same may be necessary in the upcoming year.

Councilmember Wallace stated he preferred to maintain positions rather than give salary increases.

FY 2013 Strategic Planning Process

City Manager Kunik advised one of the objectives included in the 2012 Strategic Plan was to reassess the process for the 2013 plan, drawing members' attention to a proposed questionnaire, as delineated in the agenda material which would provide insight to be utilized during the process. He stated responses would be provided to members along with budget alternatives in April, 2012.

Councilmember Wallace inquired how same would be promoted.

City Manager Kunik responded through the City's weekly report and members' reports.

Councilmember Wallace stated same should be provided to all of the civic associations.

Discussion with regard to Disbanding the Waterfront Development Advisory Committee

Mayor Albers inquired if members had additional thoughts following the Waterfront Development Advisory Committee (WDAC) recommendation. He pointed out the City did not have any further waterfront development, adding the remaining development

would be private. He mentioned the bike loaner program, opining same would not have occurred if it were driven by a City advisory board, but rather was presented to the City as a complete program. He reiterated earlier comments that there was not enough work for the committee to do.

Councilmember Wallace commented China worked greatly with the public/private sectors, expressing confusion as to why the WDAC could not work with the private sector. He stated it was a venue for groups to present their ideas, adding he felt there should be a government group to work with the private sector.

Councilmember Goldberg pointed out a group could not work with a private company, but rather only an individual could due to the Sunshine Law.

Councilmember Wallace countered the private organization could come to the WDAC meeting.

Councilmember Goldberg pointed out the work was done outside of the meetings, where multiple members could not participate.

Councilmember Freeland stated a number of City boards only did their work within a monthly meeting; however, WDAC members were meeting with other organizations outside of the public meetings. She stated she felt it would be beneficial not to be hampered by the Sunshine Law. She explained the plan that was presented was a conceptual framework which involved many stakeholders, adding many of the objectives should be undertaken by those stakeholders. She stated she felt if the WDAC remained a committee, they should prioritize the plan and identify which stakeholders would be responsible for same. She mentioned the upcoming regatta which the Council had nothing to do with, yet several WDAC members had involvement with it.

Councilmember Keesling stated she would not oppose the committee remaining if they discussed the public use benefit.

Councilmember Wallace cited an example of an individual wishing to start a water taxi in that it was necessary to have a government committee to present same to. He acknowledged a clear focus for the committee must be denoted in the strategic plan.

Councilmember Goldberg concurred with the talent of the WDAC members; however, there were many talented members of other organizations. He cited an example of a boat club cleaning the beach in Gilchrist Park who came to the City for assistance. He commented he felt many of the WDAC members missed the mark during their discussion at their last meeting. He pointed out City staff assistance would always be available regardless of whether the committee remained or not. He stated he felt the effectiveness of a larger group of people would be enhanced outside of the Sunshine Law.

Mayor Albers commented the example of a water taxi was incorrect as they would approach City staff rather than a City board. He concurred the members' talents would be better served outside of the Sunshine Law.

Mr. Jay Buckley, WDAC Chairman, pointed out the Committee's consensus was not to disband. He stated he felt Councilmember Freeland's suggestion was to ensure the members paid closer attention to the Sunshine Law in their outside meetings. He explained the conceptual plan presented to City Council was developed from citizens' requests, which were then compiled by the Committee and presented to City Council. He stated the City could do with the plan what they wished, adding members understood portions were private, and that portions would be ongoing. He then provided examples of subjects which would be considered by the WDAC, adding he felt the largest concern was how to police members with regard to the Sunshine Law.

City Attorney Levin explained the Sunshine Law was established to ensure that governmental business was addressed in public meetings, adding same prohibited two or more members from discussing items which may come before them for a vote. He cited the difference in a private sector discussion and those required to be discussed in a public meeting. He explained the Sunshine Law was extended to appointed committees to prevent them from holding private discussions prior to making a recommendation to an elected official. He questioned why a group of people would subject themselves to something that hindered free thinking, opining they would be much more effective in being able to work with any other entity as a group without violating the Sunshine Law.

Mr. Noel Hyde expressed uncertainty as to why City Council saw the role of the WDAC as different than any other City committee such as the canal maintenance committees, in that they all served as a sounding board and filter for the community to report back to City Council. He reiterated the various stakeholders must have an advisory body to approach to find a manner of approaching either City staff or City Council.

Mayor Albers opined the canal committees had a very different role than the WDAC, adding he felt the WDAC would be much more effective without being a City board.

Councilmember Goldberg stated he felt the Committee could be more effective on their own; however, if the WDAC wished to make one more attempt to find a way of being more effective, he would not disagree. He added if nothing changed, he would like to revisit disbanding the committee.

Consensus of members was to agree.

NOTE: Councilmember Freeland left the meeting at 11:30 a.m.

Proposal to create Pickleball Courts in Gilchrist Park

City Manager Kunik reported a group of residents had submitted a proposal, as delineated in the agenda material, for the City to consider creation of pickleball courts by converting two of the existing four tennis courts in Gilchrist Park to eight pickleball courts. He provided information on the current use of the tennis courts, adding the proposal was to convert the two courts closest to the playground into pickleball courts. He mentioned an alternative of painting pickleball lines on two of the existing courts, thereby allowing use for both sports at an estimated cost of \$2,000. He advised the second option would allow staff to gauge participation rates and interest in a more permanent solution.

Note: Councilmember Freeland returned to the meeting at 11:34 a.m.

Mayor Albers and Councilmember Wallace concurred with staff's suggestion for painting lines.

Councilmember Goldberg suggested the new lines be painted in a different color.

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

Discussion regarding parking of trailers in the Special Residential Overlay (SRO) district.

Ms. Tubbs displayed various photos of parked trailers, as delineated in the agenda material, stating staff had received some complaints. She stated there was no clear provision regarding single-axel trailers, providing a detailed description of existing regulations regarding dual or tandem-axel trailers and commercial trailers. She explained some of the trailers under complaint were not business related and were not prohibited. She advised if the intent was to prohibit the parking of all trailers, an amendment to the code would be necessary.

Consensus of members was to amend the code to prohibit trailer parking.

RECOMMENDATION FROM CITY OFFICIALS

CITY MANAGER

City Manager Kunik advised the first session of the Citizen's Academy would be held at 5:30 p.m. on January 10, 2012, requesting all members' attendance.

BOARDS AND COMMITTEES

Announcement of Vacancies

Punta Gorda Isles Canal Advisory Committee

City Clerk Foster announced the continuing vacancy.

Appointments

Building Board

Voting forms were distributed.

City Attorney Levin announced a tie between Messrs. John Chalifoux and Elias Mashie, requesting a revote between same. He then advised Mr. Mashie had received the most votes and was therefore appointed to the Building Board.

POLICY AND LEGISLATION

ALBERS: Commented a shade session would be held following the next Council meeting, recommending rather than a lunch break, lunch be ordered in so as to save time.

Consensus of members was to agree.

CITIZENS' COMMENTS

Mr. Tom Carroll suggested Council's three meeting absence policy be revisited in light of the difficulty in finding volunteers as same was restrictive.

Discussion ensued with regard to the policy.

The meeting was adjourned at 11:46 a.m.

Mayor

City Clerk