



**City Council & Special CRA**  
**\*\*\* Amended Agenda \*\*\***  
**CITY OF PUNTA GORDA, FLORIDA**  
**326 West Marion Avenue, Punta Gorda, FL 33950**  
**September 17, 2008**

\*\*\*\*\*ANNOTATED AGENDA\*\*\*\*\*

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**CITY COUNCIL**

Larry Friedman, Mayor  
Harvey Goldberg, Vice-Mayor  
Marilyn P. Smith-Mooney, Councilmember  
William F. Albers, Councilmember  
Charles Wallace, Councilmember

**CITY OFFICIALS**

Howard Kunik, City Manager  
David Levin, City Attorney  
Sue Foster, City Clerk

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*NOTE: Anyone wishing to address the Council on any agenda item may do so at the appropriate time during the meeting. Those who choose to speak must state their name for the record. Each person will be allowed to speak once on each subject up to a maximum of three minutes.*

**9:00 AM CALL TO ORDER**  
**INVOCATION**  
**PLEDGE OF ALLEGIANCE**

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**I. PROCLAMATION/PRESENTATIONS**

- A. Proclamations**
- 1. America Business Women's Day** **PROCLAIMED**
  - 2. Constitution Week** **PROCLAIMED**
  - 3. National Estuaries Day** **PROCLAIMED**
- B. Presentations**
- 1. Introduction of Board / Committee Nominees**

2. Ronald Logan, Fire Department – 20 Years of Service  
**PRESENTED**

## **II. COMMUNITY REDEVELOPMENT AGENCY**

- A. Roll Call
- B. Approval of Minutes
  1. Regular Meeting of September 3, 2008 **APPROVED**
- C. Herald Court Parking Facility Commercial Space  
**STAFF TO NEGOTIATE AND  
PROVIDE RECOMMENDATION**
- D. Presentation of the Evaluation and Selection Committee’s selected proposal for the construction of the Interactive Fountain by Exotic Pool’s By Janeen, Port Charlotte, FL  
**APPROVED**
- E. Statement of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., for services rendered to the Community Redevelopment Agency by David M. Levin, Esq., through September 10, 2008  
**APPROVED**
- F. Commissioners’ Comments
- G. Citizens’ Comments

## **III-A. PUBLIC HEARINGS**

1. **SV-02-08** - A Resolution of the City Council of the City of Punta Gorda, Florida, vacating a portion of a 15 feet wide alley lying between Lots 9, 10, 11, 12, 13 and 14, Block 4, City of Punta Gorda, according to the plat thereof as recorded in Plat Book 1, Page 21, of the public records of Charlotte County, Florida; being more specifically described in Exhibit “A”.  
**APPROVED**
2. **CP-02-07** – An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda Comprehensive Plan Future Land Use Map changing the current designation from Commercial Corridor/County (CC/County) to Highway Commercial Corridor/City (HCC/City) on property generally described as 1603, 1605, 1621, 1725, 1801, 1825 and 1901 Tamiami Trail as more particularly described on Exhibit “A” attached to the Ordinance and from High Density Residential/County (HDR/County) to Highway Commercial Corridor/City (HCC/City) on property generally described as 24136 Shreve Street as more particularly described on Exhibit “B” attached to the ordinance, all properties collectively known as “Palm Automotive” and generally bound to the north by West Henry Street, to the east by Tamiami Trail, and to the west by Shreve Street; and amending the City of Punta Gorda, Florida 1997 Comprehensive Plan Future Land Use Element to include a “Highway Commercial Corridor (HCC)” land use

designation; providing for conflict and severability and providing an effective date.

**SECOND READING**

**APPROVED**

3. **CP-02-08** - An Ordinance of the City of Punta Gorda, Florida, amending the City of Punta Gorda, Florida, Local Comprehensive Plan Future Land Use Map from Public to Professional Office on property commonly known as “The City of Punta Gorda Public Works Campus” generally located between Maud Street, West Olympia Avenue, Shreve St, and West Henry Street, more particularly described on Exhibit “A” attached hereto; and amending the City of Punta Gorda Florida 1997 Comprehensive Plan Future Land Use Element; providing for conflict and severability and providing an effective date.

**SECOND READING**

**APPROVED**

**III-B. QUASI-JUDICIAL PUBLIC HEARINGS**

1. **V-07-08** – Request for a variance to the Land Development Regulations per Section 26-16.10., Page 26-196 of the City Code to allow a LED, static, changeable message sign on the north wall of the Charlotte Harbor Event and Conference Center instead of individual letters attached directly to the building street frontage as required per Section 26-11.4.(a)(1) and (a)(4), page 26-124; and that the LED, static, changeable message sign extends 9.5 inches from the building face instead of 6 inches as required per Section 26-11.4.(a)(4), page 26-124; and that the copy on the LED, static, changeable message sign may change electronically, instead of individual letters and numbers attached to the sign as required per Section 26-11.3.(c)(1) on page 26-119, and that the electronically changing sign message will be permitted, instead of prohibited per Section 26-11.6.(d), page 26-127. And, Request for a variance to the Land Development Regulations per Section 26-16.10., Page 26-196 of the City Code to allow a ground sign for the Charlotte Harbor Event and Conference Center that is located in the City Center zoning district and is less than 15 feet from the fronting right-of-way as required per Section 26-11.4.(7), on page 26-126, and that the sign be permitted in conjunction with a facade sign instead of prohibited per Section 26-11.4.(7)c., page 26-126.

**APPROVED WITH CONDITIONS**

**III-C. ORDINANCE/RESOLUTION (No Public Hearing Required)**

1. **Z-04-07** - An Ordinance of the City of Punta Gorda, Florida, rezoning from Commercial Intensive/County (CI/County) to Highway Commercial/City (HC/City) on property described as parcel nos. 0071936-000000-0, 0071937-000000-9, 0071939-000000-7, 0071940-000000-4 and, also known as, 1603, 1605, 1801, 1825, and 1901 Tamiami Trail as more particularly described on Exhibit “A” attached to the Ordinance and from Planned Development/County (PD/County) to Highway Commercial/city (HC/City); on property described as parcel nos. 0071944-000000-0 and 0071943-000000-1 and, also known as 24136 Shreve Street more particularly described on Exhibit “B” attached to the Ordinance and from Commercial General/County (CG/County) to Highway

Commercial/City (HC/City); on property described as parcel 0071936-000100-9 and, also known as 1621, 1725 Tamiami Trail as more particularly described on Exhibit "C" attached to the Ordinance; all properties collectively known as "Palm Automotive" and generally bound to the north by West Henry Street, to the east by Tamiami Trail, and to the west by Shreve Street; providing for conflict and severability and providing an effective date.

**SECOND READING**  
**APPROVED**

2. **Z-02-08** - An Ordinance of the City of Punta Gorda, Florida, rezoning from Public to Neighborhood Center on property commonly known as "the City of Punta Gorda Public Works Campus," providing for conflict and severability, and providing an effective date and further described in the metes and bounds description below:

A portion of Trabue subdivision, blocks 51, 52,53,55,56 & 78 as recorded in Plat Book 1, Page 1, Section 12, Township 41 south, Range 22 east, of the Public Records of Charlotte County, Florida, being more particularly described as follows: commencing at the southeast corner of Block 78, also being the point on the north right-of-way of Henry Street and the southwest right-of-way of Shreve Street; thence N. 88° 59'38" W., along the north right-of-way of Henry Street, a distance of 749.14 feet to the point of beginning; thence continue along said right-of-way N. 88° 59'38" W., a distance of 800.66 feet; thence run perpendicular to said right-of-way, N. 1° 00'22" E., a distance of 320.0 feet; thence parallel with said right-of-way, N. 88° 59'38" W., a distance of 145.0 feet; thence S. 1° 00'22" W., a distance of 320.0 feet, to the north right-of-way line of Henry Street; thence N. 88° 59'38" W., along said right-of-way a distance of 203.39 feet to the northeast right-of-way of Maude Street; thence N. 42° 28'05" W., along said right-of-way of Maude Street a distance of 320.33 feet, to the northwest corner of Block 53, Lot 1, also being the southerly right-of-way of West Olympia Avenue; thence N. 47° 29' 18" E., along said right-of-way a distance of 143.86 feet; thence S. 88° 59'38" E., a distance of 237.41 feet, to the south line of the Seaboard Coastline Railroad (formerly the Atlantic Coastline Railroad); thence N. 64° 42'47" E. along the south line of said railroad a distance of 552.90 feet to the southwest right-of-way of Pittman Street; thence S. 42° 30' 29" E., along said right-of-way, a distance of 75.96 feet to the northeast right-of-way of Virginia Avenue; thence N. 47° 29' 13" E. along said right-of-way, a distance of 245.0 feet, returning to the south line of the Seaboard Coastline railroad (formerly the Atlantic Coastline Railroad); thence N. 64°42'47" E., along said railroad line a distance of 245.44 feet to the southwest right-of-way line of Shreve Street; thence S. 42° 20'48" E. along said right-of-way a distance of 478.85 feet to the southwest right-of-way line of Charlotte Avenue, thence S. 47° 39'12' W. along said right-of-way a distance of 411.54 feet; thence S. 1°00'22" W., a distance of 194.01 feet to the point of beginning from Public to Neighborhood Center; providing for conflict and severability and providing an effective date.

**SECOND READING**  
**APPROVED**

**IV. CONSENT AGENDA**

*All matters listed under this item are considered to be routine and action will be accomplished by one motion without separate discussion of each item. If a member of the Council desires discussion, that item(s) will be removed from the Consent Agenda and considered separately.*

**A. CITY CLERK'S OFFICE**

1. Approval of Minutes:
  - a. Regular Meeting of September 3, 2008 **APPROVED**
  - b. Budget Public Hearing of September 3, 2008 **APPROVED**

**B. LEGAL DEPARTMENT**

1. Statement of Allen, Norton & Blue, P.A., for services rendered through July 31, 2008. **APPROVED**
2. Statement of the Farr Law Firm for services rendered through July 31, 2008. **APPROVED**
3. Statement of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A., for services rendered by David M. Levin, Esq., through September 10, 2008 **APPROVED**
4. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Management Agreement between the City of Punta Gorda and the Charlotte County Family YMCA, authorizing the Mayor to sign the agreement and providing an effective date. **APPROVED AS AMENDED**

**C. GROWTH MANAGEMENT**

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Interlocal Agreement for Coordinated Planning and School Concurrency between the City of Punta Gorda (City), the Charlotte County Board of County Commissioners (County), and the School Board of Charlotte County (School Board), Florida, and authorizing the Mayor to sign the agreement on behalf of the City of Punta Gorda. **APPROVED**
2. Request by Fishermen's Village to add a 72 square foot storage area for Bella Luna. **APPROVED**
3. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Local Agency Program Supplemental

Agreement and authorizing the City Manager to sign the Supplemental Agreement

**APPROVED**

4. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Local Agency Program Supplemental Agreement and authorizing the City Manager to sign the Supplemental Agreement

**APPROVED**

**D. HUMAN RESOURCES**

1. A Resolution of the City Council of the City of Punta Gorda, Florida approving the City of Punta Gorda Declared State Of Emergency (D.S.E) Reporting and Pay Policy as amended and providing an effective date.

**RETURNED TO STAFF FOR  
AMENDMENT**

\*\*\* **E. PROCUREMENT**

1. Approval of draft agreement for the Cooper Street Recreational Facility Expansion to DeAngelis Diamond Construction, Inc. of Naples, FL

**APPROVED**

**REGULAR AGENDA**

**V. UNFINISHED BUSINESS**

**VI. NEW BUSINESS**

**VII. RECOMMENDATIONS FROM CITY OFFICERS**

A. City Manager

B. City Attorney

C. City Clerk

**VIII. BOARDS AND COMMITTEES**

A. Announcement of Vacancies

1. Board of Zoning Appeals – Alternate
2. Revitalization Committee

**ANNOUNCED  
ANNOUNCED**

B. Nominations

1. Building Board – Alternate
2. Code Enforcement Board

**MR. KIKER APPOINTED  
NOMINATIONS MADE**

C. Appointments

1. Board of Zoning Appeals

**MR. ROSE APPOINTED**

**IX. POLICY AND LEGISLATION**

- A. Mayor
- B. Councilmember Comments

**X. CITIZENS' COMMENTS**

*NOTE: Anyone wishing to address the Council may do so at this time. Those who choose to speak must state their name for the record. Citizens will be allowed no more than three (3) minutes to express their opinion.*

**XI. ADJOURNMENT**

*At public hearings, any member of the audience who wishes to speak will be recognized and heard.*

*If a person decides to appeal any decision made by the City Council, such person will need a record of proceedings, and for such purpose the person may need to ensure that a verbatim record of proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.*

*In accordance with the Americans with Disabilities Act and Florida Statute 286.26, special accommodations may be made by contacting the Office of the City Clerk at (941) 575-3369.*