



**CITY OF PUNTA GORDA, FLORIDA
REGULAR CITY COUNCIL MEETING MINUTES
WEDNESDAY, DECEMBER 3, 2008 9:00 A.M.**

COUNCILMEMBERS PRESENT: Friedman, Albers, Wallace, Goldberg, McCormick

CITY EMPLOYEES PRESENT: Dave Drury, Finance; Rick Keeney, Public Works; Tom Jackson, Utilities; Phil Wickstrom, Human Resources; Dennis Murphy, Growth Management; Kathy Dailey, City Manager's Office; Butch Arenal, Police; Robert Hancock, Fire; City Attorney Levin; City Manager Kunik; City Clerk Foster

Mayor Friedman 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

Introduction of Board / Committee Nominees

Mr. Larry Hofmeister introduced himself as a nominee for Planning Commission.

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

QUASI-JUDICIAL PUBLIC HEARINGS

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

V-08-08 - Request for a variance to the Land Development Regulations per Section 26-16.10., Page 26-196, of the City Code on an existing structure to allow an existing side yard setback of 1.6 feet for an existing pool and concrete equipment pad, instead of 5 feet as required by City Code Section 26-3.7.(g)(3); and to allow a new lot line be established that surrounds the southerly 6.8' x 31' of an existing pool and pool enclosure with a newly established 3.2 foot rear yard setback instead of 15 feet as required per City Code Section 26-3.7.(g)(4) on page 26-15; and to allow the side yard setback from the newly established lot line be 2.8 feet on the south side and 3 feet on the north side, instead of 5 feet, as required Per City Code Section 26-3.7.(G)(3), on Page 26-15. Legal: The northerly 10 feet of Lot 2 and all of Lot 3 and half of vacated adjacent alley, and Lots 12 and 13 and half of vacated adjacent alley, Everton's Subdivision of Block 46, City of Punta Gorda, Plat

City Attorney Levin presented the request for setback variances.

Ms. Teri Tubbs, Zoning Official, displayed an overhead of the subject property, explaining the request related to a pool constructed 25 years ago without regard to lot lines or future use of the property involved. She stated the house and pool were located primarily on lot 3, facing Harvey Street; however, the pool encroached onto lots 12 and 13 which faced Durrance Street. She explained the property owner now desired to sell lots 12 and 13, noting the strict and literal enforcement of zoning regulations would make the two lots less likely to be used for infill housing as they would only be approximately 49' deep around the area of encroachment if a 15' setback to the pool was required. She mentioned prior plat adjustments for existing structures in this neighborhood had been made wherein others have adjusted lot lines to accommodate existing conditions, adding this request to create new lot lines around the existing pool with non-conforming rear and side yard setbacks would accommodate existing conditions and allow the sale and use of two infill residential lots. She pointed out same was consistent with the surrounding neighborhood. She stated the Historic Preservation Advisory Board (HPAB) and the Board of Zoning Appeals (BZA) had recommended approval of the request; explaining under the literal criteria of a variance, staff must recommend denial; however, given that all parties to this transaction were in support of the request which furthers the development of infill properties, the request did not pose any threat to the public health, safety or welfare, thus staff did not oppose same from a practical standpoint.

Councilmember Wallace inquired if the pool was permitted by the City.

Ms. Tubbs responded it was constructed in 1983 and the records were not available; however, she felt same had been permitted.

Councilmember McCormick confirmed the pool was in good repair.

Mr. Haymans advised he represented the owners, stating they owned lots 1-4 and 12-13. He provided a background on the various properties, stating there was a contract to sell lots 12 and 13. He explained the prospective owner expressed concern with the constraints related to setbacks, thus the request to allow development of the lots. He concluded due to the owner's age, the sale of the property was necessary for their economic self-sufficiency.

Councilmember McCormick confirmed the pool was properly fenced and in compliance with the code.

Mayor Friedman mentioned the property could have been replatted; however same would have taken much longer.

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

MOTION UNANIMOUSLY CARRIED.

City Attorney inquired if variances were recorded.

City Clerk Foster responded affirmatively.

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

MOTION UNANIMOUSLY CARRIED.

ORDINANCE/RESOLUTION

No Public Hearing Required

ZA-13-08 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the City Code of Ordinances known as “The Land Development Regulations”, Article 6, Application of Regulations, adding Section 6.7 Permit Requirements; providing for required documents and procedure for submittal of all development permits; providing for conflict and severability; and providing an effective date.

SECOND READING

City Attorney Levin read the ordinance by title, noting same had been amended pursuant to Council’s direction.

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

MOTION UNANIMOUSLY CARRIED.

ZA-14-08 – An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the City Code of Ordinances known as “The Land Development Regulations”, Article 16, Application Review and Approval Requirements, Section 16.1 General Requirements for Applications; Subsection (g), Notice Provisions; amending Subsection (3) Posted Notice; providing posting requirements; 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 Goldberg.

MOTION UNANIMOUSLY CARRIED.

CONSENT AGENDA

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

MOTION UNANIMOUSLY CARRIED.

A. CITY CLERK’S OFFICE

1. Approval of Minutes: Regular Meeting of November 19, 2008

B. LEGAL DEPARTMENT

1. Monthly Litigation Report
2. Statement of Allen, Norton & Blue, P.A. for services rendered through October 31, 2008.
3. Statement of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq., through November 24, 2008.

C. FINANCE DEPARTMENT

1. A Resolution of the City Council of the City of Punta Gorda, Florida adopting a declaration of support for proposed changes to Section 287.055 F.S., also known as the "Consultant's Competitive Negotiation Act".

D. GROWTH MANAGEMENT

1. A Resolution of the City Council of the City of Punta Gorda, Florida repealing Resolution No. 2689-08, and adopting the City of Punta Gorda Event Manual and General Park Rules and Regulations, establishing fees, application procedures and event permit application for events using city facilities or utilizing City personnel, and providing an effective date.

E. HUMAN RESOURCES DEPARTMENT

1. A Resolution of the City Council of the City Of Punta Gorda, Florida, notifying Public Risk Management of Florida (PRM) of the City's intent to withdraw from PRM's property and casualty self-insurance pool.

F. UTILITIES DEPARTMENT

1. A Resolution of the City Council of the City of Punta Gorda, Florida, accepting utility easement from the Charlotte County Airport Authority.

NOTE: A short break was called at 9:55 a.m.

City Manager Kunik advised the proposed color schemes for the parking garage were in the lobby this date.

UNFINISHED BUSINESS

Approval of Land Swap Agreements between the City and Southwest Land Developers regarding the Henry Street property and Airport Commerce Center property and selection of site for relocation of Dog Park.

Mr. Dennis Murphy, Growth Management Director, stated public hearings were held approximately two years prior with regard to the conceptual development of the former Public Works property. He stated staff had solicited invitations to negotiate (ITN) and subsequently had finalized negotiations on the Development Agreement and exchange Agreement which staff recommended approval of. He provided a detailed summary of the negotiated agreement, as delineated in the agenda material. He further

explained staff had identified three alternative sites for relocation of the dog park, as delineated in the agenda material, providing a description of each, noting staff recommended alternative “C” as the best location. He then displayed a conceptual drawing depicting the proposed dog park and the buffering around same. He referenced an email from residents of Banyon Point regarding the small and large dogs barking at each other, noting the separation between the two areas should alleviate same.

Councilmember Wallace commented trading the location of the small dog area and the parking area would provide a larger barrier for Banyon Point.

Mr. Murphy responded staff had considered the parking for History Park, which was adjacent to the proposed parking, would allow for overflow parking for either property. He mentioned the land berm and trees that were planned as a buffer.

Councilmember Albers pointed out the dogs barked the most upon arrival to the park, thus the reason for locating the parking area as far from the condominiums as possible. He asked for a description of the second concept.

Mr. Murphy responded a land berm was proposed between the small and large dog areas which would block sight from either area, noting same should alleviate the barking. He noted staff had reviewed various locations and had found there were no better locations within the City.

Councilmember Goldberg commented he preferred the second option. He mentioned moving the small dog area further away from Henry Street in light of the complaints regarding their barking.

Mr. Murphy responded there was adequate time for design.

Councilmember McCormick inquired if the stormwater management area would be full of water.

Mr. Murphy responded during the dry months, no water would be evident.

Mayor Friedman stated many updates and discussions had occurred over the past two years as well as presentations by Southwest Land Developers (SLD) and staff; however, it was not until this late in the process that members were hearing about the need for variances or that the exchange was contingent upon same. He voiced objection that the discussions had occurred for such a long period of time when no mention had been made with regard to the proposed 44’ and 50’ heights. He requested staff bring same to members’ attention when they were aware of similar situations in the future.

Councilmember McCormick stated he understood staff initiated the request for variance due to the solicitation’s reducing the density.

Mayor Friedman reiterated his concern that the deal was contingent upon the granting of variances, thus members should have been advised of same previously.

Mr. Bruce Laishley, SLD, displayed a PowerPoint presentation, stating they had worked over time to provide a community style development. He explained the variance request was limited to the center of the property, adding same was necessary because the zoning limited structures to two stories. He reported same would provide for more open, public space. He stated the agreement approval this date would be contingent upon the results of the variance requests, thus discussion this date would be helpful. City Attorney Levin advised the agreement did not obligate City Council to approve the variance requests.

Mayor Friedman stated he would like to see the location of the streets and residential and commercial areas denoted on the map. He further questioned the location of the entrances.

Mr. Laishley stated they would provide a full development design presentation at a later date, noting due to the time and expense, same was not commenced prior to execution of the agreement. He explained the agreement would trade the parcels, while leasing it back to the City for three years to allow development of the Public Works Campus on the airport property. He stated the main entrances would be from Olympia Avenue and Shreve Street. He noted a residential use entrance would be located on Henry Street and one entrance to the professional center would be on Maude Street.

Mayor Friedman opined the sooner it was commenced, the better it would be. He pointed out the variance requests would be presented at the next meeting, stating it would be difficult to consider same without some sort of development plan.

Councilmember Albers questioned why staff had not requested conceptual approval of the heights prior to this point. He concurred a conceptual design would be necessary to consider the variance requests as members did not know how many buildings were being considered for the variance.

Mr. Murphy explained the development agreement controlled the density by restricting the project to 160 units and 125,000 square feet of commercial space, opining same would prevent a large number of buildings. He reminded members the first floor of the mixed use buildings would be commercial, thus there would not be a great deal of commercial space in other buildings.

Mayor Friedman reiterated members could not approve increased building height based solely on an area denoted on the site map, without knowing the design of the entire project.

Mr. Laishley reiterated the concept was to make the land swap contingent on the height restrictions. He noted there would be a main street with parking through the middle of the property. He suggested he show the specific area where taller buildings would be considered during the variance public hearing. He offered to meet with members individually if necessary. He explained they were researching many different building styles to determine what was needed in the present economy which precluded them being able to denote a specific building footprint; however, he felt he could indicate a maximum acreage where taller structures would be desired.

Discussion ensued with regard to the information to be provided for the variance request.

City Attorney Levin advised one of the criteria for granting a variance was to demonstrate the variance would not be injurious to or incompatible with contiguous uses and surrounding neighborhood or otherwise detrimental to the public welfare, opining he did not feel same could be proven without providing a conceptual plan. He stated at the very least, the location of the structures with increased height must be shown.

Mr. Laishley stated he felt same could be provided, adding if not within two weeks, they would request a continuance until it could be provided. He opined the proposal was beneficial to both parties; however, with changing economics, they needed to ensure alterations to the plan could be presented to members for approval.

Mayor Friedman suggested SLD meet with members individually, adding he supported the project, but could not make blanket approvals.

Mr. Laishley acknowledged the City was sensitive with regard to building heights, thus they would attempt to provide a project that would not present a problem.

Councilmember Goldberg voiced support of the village concept, opining the application for the variance might have been premature with no conceptual drawings. He stated the development would be much nicer for the surrounding neighborhood than the previous Public Works Campus.

Mr. Laishley explained they were previously unaware that the Neighborhood zoning restricted structures to two stories due to the majority of the City allowing three and four stories.

Councilmember Albers pointed out there were no structures in the area that were 54' in height, requesting more information prior to hearing the variance request.

Councilmember McCormick stated the flexible height plan was consistent with the Citizens' Master Plan, adding the PowerPoint photos of Celebration, Florida were not being objected to. He opined he did not feel the variance request was of such great

concern. He pointed out the reason for proceeding in the manner at hand was to assist the City in relocating to the airport property.

City Manager Kunik clarified SLD would provide the location of the roads and specify the amount of land that would be utilized for the taller buildings.

Mr. Laishley recommended the agreements be considered this date and the variance request be considered during the public hearing.

Councilmember Goldberg questioned same.

City Attorney Levin responded the agreement contemplated moving forward once executed, adding some of the first actions were to survey the two properties. He stated he had heard nothing that suggested members could not move forward with the agreement.

Councilmember Wallace inquired if the City had the funds to construct the Public Works Campus, opining the City hadn't provided information to members. He opined it would be prudent to take a better look.

City Manager Kunik responded the Public Works Campus would cost approximately \$6,000,000, part to be funded with insurance monies and the remainder with Infrastructure Sales Surtax (ISS) funds. He stated detailed designs would be provided to members for approval.

Councilmember Albers questioned the need to approve the agreements in such haste.

Mayor Friedman suggested this be continued until after the variance public hearing.

Councilmember Albers inquired if same would present difficulties for the developer.

Mr. Laishley responded in the negative. He stated the survey and title insurance requirements included in the agreement were necessary for the real estate closings that would be forthcoming.

City Attorney Levin stated he understood the reason for approving the agreements at this time was to allow the applicant to expend the necessary funds to provide the information necessary for the variance request.

Consensus of members was to continue approval of the agreements until after the variance request was heard.

Mayor Friedman then requested comments with regard to the location of the dog park.

Councilmember Goldberg acknowledged the concerns of Banyan Point residents; however, he felt the option discussed earlier would address those concerns.

Councilmember McCormick related a request that the dog park not be relocated until all of the permitting for the entire project was in place.

Mayor Friedman recalled residents had been informed of alternatives for the project, noting same had transpired and comments would be heard this date.

Mr. Samuel Carroll stated he was a patron of the dog park on a daily basis, adding he was not aware than anyone who utilized the dog park was asked for their opinion. He asserted the noises made by dogs were no more annoying than lawnmowers or saws which where not objected to. He concluded the noises from the park were not as loud as people were insinuating.

Mr. Bill Stringer opined the problem at the dog park was with a medium sized dog because there was only a small and large area, which occasionally caused problems. He stated the option with the separation between the two was to protect the dogs.

Ms. Lynn Ambrose voiced concern was with the anticipated year to relocate the dog park, adding same was widely used.

Mr. Gordon Stone expressed concern with the plans for the dog park, stating as a resident of Banyan Point, the small dog barking was very annoying. He pointed out it could be heard very well from the current location of the dog park, thus would get worse with closer proximity. He concluded dog ownership carried a responsibility to not intrude into the neighboring area. He suggested the dog park be closed from 4:00 p.m. to 6:00 p.m. when most residents were enjoying their lanais.

Mr. Steve Fraley spoke in favor of the dog park, commenting on the positive influence of pets.

Mayor Friedman advised staff would continue to seek options to alleviate the concerns such as moving the small dog area as far from Henry Street as possible.

Consensus of members was to conceptually approve the option with the berm separating the two areas within the dog park.

Mayor Friedman announced he had been informed the contractor building the interactive fountain in Laishley Park had received the state permit and would commence construction soon.

Taylor Street Parking Agreements - Discussion

City Manager Kunik explained draft agreements had been forwarded to the City, The City Marketplace (TCM) and attorneys for the Attorney's Title Insurance Fund in September, 2008, adding same had been reviewed by staff and the City Attorney with recommended changes, as delineated in the agenda material, being forwarded to the attorneys for TCM. He advised to date, the City had not received final draft agreements for review, thus the matter was placed on the agenda for an update. He concluded the agreements would require approval of the above mentioned parties as well as Fifth Third Bank which held the mortgage on the TCM property.

Mr. Ed Wotitzky, TCM attorney, reported a conceptual agreement had been reached to provide the on-street parking on Taylor Street, adding the revisions requested by the City had been incorporated with the exception of the condition in the parking and occupation easement obligating his client to construct a sidewalk at his cost by a certain date. He stated his client objected to paying that cost at this time. He then distributed copies of the amended agreement as delineated in the agenda material. He reported they had provided copies to the bank holding the mortgage and were negotiating with same for renewal of the loan. He opined same would be approved.

Councilmember Goldberg questioned the cost of the sidewalk.

City Manager Kunik expressed uncertainty, adding same would be provided to members.

Mayor Friedman asked if construction of the sidewalk had been agreed upon during the initial discussions.

Mr. Wotitzky responded in the negative.

City Manager Kunik explained the developer's agreement required the infrastructure improvements to be constructed on their site.

Mr. Wotitzky explained the agreement required same to be constructed within a certain time period, while the developer wished to do so when developing the property.

Mr. Mark Gering, City Engineer, added it would be difficult to construct the sidewalks when the parking was constructed due to the developer's desire to have a zero lot line.

City Attorney Levin stated he had left the timing blank; however, he felt something was necessary to trigger the agreement. He suggested Mr. Wotitzky provide the City with an appropriate date.

Mayor Friedman commented on the delays, voicing his desire to have the agreement completed within one month based upon the sidewalk timing being left open.

Mr. Wotitzky responded affirmatively, noting he would need to assure TCM had reviewed the drawings with their architects.

Mayor Friedman voiced objection to further delays, adding he felt if same could not be finalized in one month, the City should simply revert to their previous plans.

Options for Day Docks – Event Center or Laishley Park

Mr. Gering displayed conceptual drawings, as delineated in the agenda material, of the Event Center, Laishley Park and Laishley Park Marina sites, stating costs estimates were as follows: Floating Concrete Dock – Laishley Park, \$350,000; Event Center, \$350,000; Marina Basin, \$216,000; Attenuated Floating Dock – Laishley Park, \$700,000; Event Center, \$700,000; Marina Basin, N/A; Fixed Wood Dock – Laishley Park, \$192,500; Event Center, \$192,500; Marina Basin, \$118,000; Fixed Concrete Dock – Laishley Park,

\$262,500; Event Center, \$262,500 and Marina Basin, \$162,000. He advised all alternatives would provide 10 slips and would require fire suppression at a cost of \$50,000. He reported available grant funding as follows: WCIND - \$341,000; BIF local - \$86,500 and BIF regular - \$179,000, stating there were no guarantees the City would receive any or all of the above mentioned grant funds. He concluded staff preferred the Laishley Marina Basin location; however, if either of the other locations were selected an attenuated floating dock should be utilized.

Mayor Friedman inquired as to the preferred dock for the marina.

Mr. Gering responded a floating concrete dock.

Councilmember Goldberg stated he agreed with the location as the need for day docks was greater in Laishley Park than the other locations, adding he preferred floating concrete docks as well.

Councilmembers Wallace and Albers concurred, noting it was a central location.

Councilmember Albers **MOVED** approval of a floating concrete dock with fire suppression in Laishley Park Marina and to apply for grant funds immediately, **SECONDED** by Councilmember Wallace.

Mayor Friedman inquired if any legal difficulties would arise.

City Attorney Levin responded a lease with FDOT would be required.

MOTION UNANIMOUSLY CARRIED.

Utility Line Extension Interlocal Agreement

Mayor Friedman drew members' attention to the City Attorney's opinion, as delineated in the agenda material, indicating it would not be legal for the City's Utility Department to subsidize utility efforts within the County. He explained economic development should be funded through the general fund, adding as the City contributed to the County's general fund, they should not be asked to fund economic development efforts near the airport. He asked that the City Attorney's opinion become a part of the package for the joint meeting or that it be removed from the agenda based upon same.

Councilmember Goldberg concurred.

City Manager Kunik stated staff's recommendation was not to move forward with the agreement as recommended by the County.

Mayor Friedman provided a brief description of the basis for the requested agreement by Charlotte County, pointing out the City had a long standing policy that the developer fund utility line extensions.

NEW BUSINESS

Aqui Esta Development request to construct a water oriented, residential development

Mayor Friedman pointed out the Army Corps of Engineers (ACOE) had requested comments, advising same should be restricted to the boat dockage and water related portions and not to include any other development issues.

Mr. Gering stated staff had reviewed same and offered the following comments: permit application provides for a 108 private mooring area, which could impact the Punta Gorda Isles (PGI) canal system through increased boat traffic and possibly additional safety concerns; boats were shown as docked on the outer perimeter of the property, not directly behind the homes of the boat owner which may result in a safety concern related to vandalism or theft; the platted canal width along some areas of Grebe and Pine Sicken were only 84' to 87' wide with proposed permanent mooring area being aligned for parallel mooring and a 4' wide dock which would cause tight quarters if not adhered to and could possibly impede the required 50' navigable waterway; no access for a fire truck on the outermost points; privately moored boats would use the PGI canal system for access while not contributing to the canal maintenance assessments; first comments would apply to the public boat launch; boat launching from the site would also use the PGI canal system for access without contributing to the canal maintenance assessments and the application did not point out services for trash collection or prevention of illegal disposal of fuels/oils at the launching ramp.

Councilmember Wallace confirmed there were existing docks on the other side of the canal. He stated if the proposed docks would encroach into the 50' navigable area, same should be emphasized in the comments.

Councilmember Goldberg stated the proposed dock and slip would reduce the navigable area.

Councilmember Albers added the dock was not as wide as depicted because of the mangroves.

Mayor Friedman inquired if additional comments should be added to the list.

Councilmember Albers stated the key points should be the narrow canal and the liability of a boat ramp.

Mayor Friedman comment public safety response should be considered.

Councilmember Goldberg mentioned the integrity of the PGI canal system.

Ms. Lynne Matthews pointed out it appeared a cut through canal was proposed.

Mayor Friedman countered same was a walkway.

Ms. Matthews commented on the narrow canal, stating there was no way two boats could pass behind her boat in that canal. She mentioned the safety and security issues as there was no lighting at night.

Mr. Walt Baines voiced concern with public safety accessibility, noting it would jeopardize his boat across the canal as well. He pointed out they would be utilizing the PGI canals without paying an assessment fee.

Mr. Gary Stedman, developer, stated the ACOE permit was only to provide the maximum dockage without harm to the property. He advised they had no development proposal at this time and would provide any future plans to the City for approval. He stated they applied for the permit based upon environmental issues due to the wetlands on the property.

Councilmember Goldberg inquired why a public boat ramp was proposed at this time.

Mr. Stedman stated the ACOE and planning staff had indicated same would fit into the plans, adding he had no interest in same. He explained if it wasn't requested during this permitting process, it would be difficult to add it later if it was desired.

Mr. Mike Botsless voiced opposition to constructing docks in such a narrow canal.

Consensus of members was to direct the City Attorney to send the appropriate letter as spelled out in the application.

City Attorney Levin recommended impacts to manatees and water quality be included.

Consensus of members was to agree.

RECOMMENDATIONS FROM CITY OFFICERS

CITY MANAGER

City Manager Kunik reminded members of the strategic plan workshop to be held at 2:00 p.m. on December 17, 2008 at the Lashley Park community room.

CITY ATTORNEY

Helen Avenue Affordable Housing Properties

City Attorney Levin advised the City had entered into an agreement with the Housing Corporation of Charlotte County and Innovative Construction to construct affordable homes on three Helen Avenue lots which were donated by the City. He stated the homes had been completed; however, the contractor defaulted on its bank loan which was being foreclosed on with a claim that the Helen Avenue properties were used as additional collateral. He explained the Housing Corporation had been working with the bank to have the properties transferred to the Housing Corporation, to no avail, thus the Housing Corporation was seeking the City's intervention. He requested authorization to intervene in the pending foreclosure action to protect the City's interests.

Councilmember Wallace **MOVED** to approve the City Attorney's intervention, **SECONDED** by Councilmember Albers.

MOTION UNANIMOUSLY CARRIED.

BOARDS AND COMMITTEES

Announcement of Vacancies

Board of Zoning Appeals - Alternate

City Clerk Foster announced the vacancy.

Punta Gorda Isles Canal Advisory Committee (2)

City Clerk Foster announced the vacancies.

Board of Zoning Appeals

City Clerk Foster announced the vacancy.

Nominations

There were none.

Appointments

Planning Commission (2)

Voting forms were distributed.

City Attorney Levin announced Messrs. Burrage and Hofmeister had received the most votes and were therefore appointed to the Planning Commission.

Utility Advisory Board

Voting forms were distributed.

City Attorney Levin announced Mr. Kessler had received the most votes and was thus appointed to the Utility Advisory Board.

POLICY AND LEGISLATION

FRIEDMAN: Reminded the City Manager of their request for an update on the Aquí Esta widening.

- Inquired when the ISS project list would be presented to members for approval.

City Manager Kunik responded it could be added to a January, 2009 agenda.

GOLDBERG: Commented on the ruling with regard to CRA financing, inquiring how it would impact financing for the parking garage.

City Manager Kunik responded the garage had been financed; however, the ruling would provide the ability to refinance the balloon payment due on Laishley Park when rates were favorable.

MCCORMICK: Mentioned two events held the previous day wherein the location was Punta Gorda and to which the City Council had not been invited. He suggested members work toward better recognition in instances such as these.

CITIZENS' COMMENTS

Mr. Bill Dryburgh stated he lived across the street from the former Public Works property, stating he felt same would be an asset to the City. He stated he would prefer a well designed building of a certain height rather than the water tanks and blue storage building.

Mr. John Burrage stated he had been informed that people with hearing difficulties could get a free telephone from Hearing Impaired Persons (HIP), commenting on how accommodating they were.

Mr. Steve Fabian commented on the development proposal on Aqui Esta, stating it took longer than one hour to get from that area out to the harbor by boat.

Mr. Tom Carroll mentioned the lighted boat parade this Saturday. He then referenced an editorial in the newspaper criticizing the City on their water policies, suggesting mention be made of the conservation measures being taken so the newspaper could report same.

The meeting was adjourned at 12:43 p.m.

Mayor

City Clerk