



**City Council and Special Community
Redevelopment Agency Agenda
CITY OF PUNTA GORDA, FLORIDA
326 West Marion Avenue, Punta Gorda, FL 33950
February 18, 2009**

*****ANNOTATED AGENDA*****

CITY COUNCIL

Larry Friedman, Mayor
Harvey Goldberg, Vice-Mayor
Don McCormick, Councilmember
William F. Albers, Councilmember
Charles Wallace, Councilmember

CITY OFFICIALS

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

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 A.M. CALL TO ORDER
 INVOCATION
 PLEDGE OF ALLEGIANCE**

I. PROCLAMATION/PRESENTATIONS

A. Proclamations

- | | | |
|----|---|-------------------|
| 1. | Punta Gorda Boaters Alliance Day | PROCLAIMED |
| 2. | Charlotte RSVP Volunteer Appreciation Day | PROCLAIMED |
| 3. | Tampa Bay Rays Day | PROCLAIMED |

B. Presentations

- | | | |
|----|--|------------------|
| 1. | Introduction of Board / Committee Nominees | |
| 2. | Special Recognition – Sheldon Destromp, Graydon Destromp, Tom McAlear, Ed Ebert and Officer Matt Besheer | PRESENTED |
| 3. | Ken Heatherington, Executive Director Southwest Florida Regional Planning Council | PRESENTED |

II. COMMUNITY REDEVELOPMENT AGENCY

- A. Roll Call
- B. Approval of Minutes
 - 1. Regular Meeting of February 4, 2009 **APPROVED**
- C. Lease Listing Services with CB Richard Ellis for the Herald Court Commercial/Parking Facility **REJECTED**
- D. Proposed Agreement for Lease Listing Services with Thomas Ryan for the Herald Court Commercial/Parking Facility **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., from December 2, 2008 through February 9, 2009 **APPROVED**
- F. Commissioners' Comments
- G. Citizens' Comments

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

- 1. An Emergency Ordinance of the City Council of the City of Punta Gorda, Florida amending the Punta Gorda City Code of Ordinances, Chapter 11 "Punta Gorda Development Impact Fees", Section 11-9, "Calculation of Impact Fee and Impact Fee Schedules", Subsection (d), by delaying the fee increase implementation date of February 1, 2009 to February 1, 2010 and correcting a scrivener error; providing for conflict and severability; and providing an effective date.
APPROVED
- 2. An Ordinance of the City of Punta Gorda, Florida, amending Chapter 17 "Public Utilities" of the City Code of Ordinances, Article III "Water Emergencies", amending Sections 17-19, 17-22, 17-25, 17-26 to comply with the requirements of Southwest Florida Water Management Code Rule 40D-21; amending Section 17-23 by decreasing penalties for violations; providing for conflict and severability and providing an effective date.
Second Reading
Continued from January 21, 2009
CONTINUED TO 3/4/09;
TO BE AMENDED
- 3. **AX-01-09** – An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, property consisting of parcel nos. 412222400001, 412223300001, 412226200001, 412224353001, 41222342009 and 412225251001 as more particularly described in attached Exhibit "A"; and property consisting of parcel no. 412330100001 and 412330100002 more particularly described in attached Exhibit "B"; and property consisting of parcel no. 412330400001 as more particularly described in attached Exhibit "C"; and

property commonly known as 11081 Burnt Store Road more particularly described in attached Exhibit “D”; and property commonly known as 12301 and 12401 Burnt Store Road more particularly described in attached Exhibit “E”, in accordance with the voluntary annexation provisions of Section 171.044 Florida Statutes; redefining the boundary lines of said city in conformance therewith; amending the official boundary map of the City of Punta Gorda, Florida; providing for conflict and severability and providing an effective date.

Second Reading
APPROVED

III-B. PUBLIC HEARINGS

1. **CP-09-08** – A Resolution of the City of Punta Gorda, Florida, authorizing transmittal to the Florida Department of Community Affairs for review the proposed amendment to the City of Punta Gorda Comprehensive Plan Future Land Use Map changing the current designation from High Density Residential/County to Public/Semi Public/City on property known as 1100 and 1500 Carmalita St., as more particularly described on Exhibit “A” attached to this Ordinance; and property known as 1200 Cooper Street, and property know as 607, 611, 705, and 737 Carmalita St., and parcel property know as 600, 612, and 608 Allen St., as more particularly described on Exhibit “B” attached to this Ordinance; and property know as 1420, 1404, 1416 Henry St., and property known as 1450 Education Ave., as more particularly described on Exhibit “C” attached to this Resolution, providing for conflict and severability; and providing an effective date.
APPROVED

2. **CP-09-08** - 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 High Density Residential/County to Public/Semi Public/City on property known as 1100 and 1500 Carmalita St., as more particularly described on Exhibit “A” attached to this Ordinance; and property known as 1200 Cooper Street, and property know as 607, 611, 705, and 737 Carmalita St., and parcel property know as 600, 612, and 608 Allen St., as more particularly described on Exhibit “B” attached to this Ordinance; and property know as 1420, 1404, 1416 Henry St., and property known as 1450 Education Ave., as more particularly described on Exhibit “C” attached to this Ordinance, providing for conflict and severability; and providing an effective date.

First Reading
APPROVED

2ND PUBLIC HEARING 6/3/09

3. **CP-01-09** – A Resolution of the City of Punta Gorda, Florida, authorizing transmittal to the Florida Department of Community Affairs for review the proposed amendment to the City of Punta Gorda Comprehensive Plan Future Land Use Map changing the current designation from Preservation/County to Preservation/City on property consisting of parcel nos. 412222400001, 412223300001, 412226200001, 412224353001, 41222342009 and 412225251001 as more particularly described in attached Exhibit “A”; and from Agriculture/County to Preservation/City on property consisting of parcel no. 412330100001 and 412330100002 more particularly described in attached Exhibit

“B”; and from Resource Conservation/County to Preservation/City on property consisting of parcel no. 412330400001 as more particularly described in attached Exhibit “C”; and from Agriculture/County to Recreation-Public/City on property commonly known as 11081 Burnt Store Road more particularly described in attached Exhibit “D”; and from Preservation/County to Recreation-Public/City on property commonly known as 12301 and 12401 Burnt Store Road more particularly described in attached Exhibit “E”, to the Ordinance providing for conflict and severability; and providing an effective date. **APPROVED**

4. **CP-01-09** – 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 Preservation/County to Preservation/City on property consisting of parcel nos. 412222400001, 412223300001, 412226200001, 412224353001, 41222342009 and 412225251001 as more particularly described in attached Exhibit “A”; and from Agriculture/County to Preservation/City on property consisting of parcel no. 412330100001 and 412330100002 more particularly described in attached Exhibit “B”; and from Resource Conservation/County to Preservation/City on property consisting of parcel no. 412330400001 as more particularly described in attached Exhibit “C”; and from Agriculture/County to Recreation-Public/City on property commonly known as 11081 Burnt Store Road more particularly described in attached Exhibit “D”; and from Preservation/County to Recreation-Public/City on property commonly known as 12301 and 12401 Burnt Store Road more particularly described in attached Exhibit “E”, to the Ordinance providing for conflict and severability; and providing an effective date.

First Reading

APPROVED

2ND PUBLIC HEARING 6/3/09

5. **ZA-01-09**– 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, amending Subsection 16.3., Application for Certificate of Appropriateness, clarifying requirements for Certificate of Appropriateness; amending Subsections 16.3.(a), (b), (c), (e) and (f), clarifying the application, review, approval and appeal process; providing for conflict and severability; and providing an effective date.

First Reading

APPROVED

6. **ZA-02-09** – 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, Subsection 16.4 Application for Concurrency by amending Sections 16.4(a); 16.4(b)(1)-(6); 16.4(c)(2)(3); 16.4(d) and adding new subparagraph 16.4.(c)(7) to comply with the provisions of the Florida State Statutes for School Concurrency requirements and to comply with the level of service updates of the City of Punta Gorda Comprehensive Plan 2025 adopted in November 2008; providing for conflict and severability and providing an effective date.

First Reading

APPROVED

7. **SV-03-08** – A Resolution of the City Council of the City of Punta Gorda, Florida, approving the change of name of that portion of the street known as West Marion Avenue from the Point of Beginning (POB) North Marion Court thru Ponce de Leon Park to the waters edge of Charlotte Harbor in the City of Punta Gorda, to Ponce de Leon Parkway in the City of Punta Gorda; as depicted in Exhibit “A”; providing an effective date. **APPROVED**

III-C. QUASI-JUDICIAL PUBLIC HEARINGS

1. **Z-08-08** - An Ordinance of the City of Punta Gorda, Florida, rezoning property described on Exhibit “A”, commonly known as 1100 and 1500 Carmalita St., from Residential Multi Family - 10 units per acre/County to Public/City; and rezoning property described on Exhibit “B”, commonly known as 1200 Cooper Street, and 607, 611, 705, and 737 Carmalita St., and 600, 612, and 608 Allen St., from Residential Multi Family- 12 units per acre/County to Public/City; and rezoning property described on Exhibit “C”, commonly know as 1420, 1404, 1416 Henry St., and 450 Education Ave. from Residential Multi Family- 10 units per acre/County to Public/City; providing for conflict and severability; and providing an effective date.

First Reading
APPROVED

2ND PUBLIC HEARING 6/3/09

2. **Z-01-09** – An Ordinance of the City of Punta Gorda, Florida, rezoning property described on Exhibit “A”, consisting of parcel nos. 412222400001, 412223300001, 412226200001, 412224353001, 41222342009 and 412225251001, from Environmentally Sensitive-1 unit per 10 acres/County to Environmental Preserve/City and rezoning property described on Exhibit “B”, consisting of parcel no. 412330100001 and 412330100002 from Agriculture-1 unit per acre/County to Environmental Preserve/City and rezoning property described on Exhibit “C” consisting of parcel no. 412330400001 from Agriculture-1 unit per acre/County to Environmental Preserve/City; and rezoning property described on Exhibit “D”, commonly known as 11081 Burnt Store Road from Agriculture-1 unit per acre/County to Environmental Preserve/City; and rezoning property described on Exhibit “E” commonly known as 12301 and 12401 Burnt Store Road from Agriculture-1 unit per acre/County to Environmental Preserve/City; providing for conflict and severability; and providing an effective date.

First Reading
APPROVED

2ND PUBLIC HEARING 6/3/09

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 February 4, 2009 **APPROVED**

B. LEGAL DEPARTMENT

1. Statement of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq., from December 1, 2008 through February 9, 2009 **APPROVED**
2. Statement of the Farr Law Firm for services rendered. **APPROVED**
3. A Resolution of the City Council of the City of Punta Gorda, Florida, supporting legislation relating to purchasing of Medicaid prescribed drugs and supporting the Enterprise Charlotte Economic Council's efforts in the "Make What You Taketm" campaign; and providing an effective date. **APPROVED**
4. A Resolution of the City of Punta Gorda, Florida, accepting easement from Burnt Store Golf and Racquet Club, Inc. a.k.a. Twin Isles Country Club, Inc.; and providing an effective date. **APPROVED**

C. FINANCE DEPARTMENT

1. A Resolution of the City Council of the City of Punta Gorda, Florida (the "City"), approving the form and authorizing the execution and delivery of a Loan Agreement by and between the City and Wachovia Bank, National Association dated as of February 19, 2009; authorizing and approving the issuance of a Note by the City in connection with said Loan Agreement relative to the financing of the acquisition, equipping and construction of a Public Works Utility Campus and improvements to public parks, construction of walkways along the harbor and pathways around the city together with other projects that are eligible to be financed with the proceeds of local government Infrastructure Sales Surtax; pledging the City's portion of the local government Infrastructure Sales Surtax to repay the Note; authorizing the proper officials of the City to do all other things deemed necessary or advisable in connection with the Loan Agreement and said Revenue Note; and providing for an effective date. **APPROVED**

D. UTILITY DEPARTMENT

1. A Resolution of the City Council of the City of Punta Gorda, Florida, authorizing the Mayor to execute a "Certification of Authorizing Entity" as required by the State of Florida as part of the Hendrickson Dam submerged land lease application; and providing an effective date. **APPROVED**

REGULAR AGENDA

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- A. Law Enforcement Mutual Aid agreement between City of Punta Gorda Police Department & Charlotte County Sheriff's Office **APPROVED**

VII. RECOMMENDATIONS FROM CITY OFFICERS

- A. City Manager
B. City Attorney
C. City Clerk

VIII. BOARDS AND COMMITTEES

- A. Announcement of Vacancies
1. Historic Advisory Preservation Board (2)
2. Utility Advisory Board
3. Firefighter's Pension Board **ALL VACANCIES ANNOUNCED**
- B. Nominations
1. Board of Zoning Appeals – alternate **DAVID BAIRD
NOMINATED, APPOINTED**
- C. Appointments

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.

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