



**CITY OF PUNTA GORDA, FLORIDA  
REGULAR CITY COUNCIL MEETING MINUTES  
WEDNESDAY, FEBRUARY 18, 2009 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**

**Punta Gorda Boaters Alliance Day**

Councilmember Albers presented the proclamation to Mr. Murray Thorndeycraft.

**Charlotte RSVP Volunteer Appreciation Day**

Councilmember McCormick presented the proclamation, which was accepted by Mr. Joe Blais and Ms. Wendy Cairns.

**Tampa Bay Rays Day**

Councilmember Goldberg presented the proclamation to Mr. John Wright, Punta Gorda Chamber of Commerce.

**Special Recognition – Sheldon Destromp, Graydon Destromp, Tom McAlear, Ed Ebert and Officer Matt Besheer**

Police Chief Butch Arenal reported the above mentioned Volunteers in Policing and Port Charlotte residents assisted in a rescue when two teens overturned their boat and were stranded in the cold waters of Charlotte Harbor. He presented each with a certificate of appreciation.

**Ken Heatherington, Executive Director Southwest Florida Regional Planning Council**

Mr. Ken Heatherington reported the Southwest Florida Regional Planning Council (SWFRPC) represented six counties from Sarasota to Collier, Hendry and Glades to

address multi-jurisdictional impacts to that area. He explained core programs included hazard mitigation, hurricane evacuation, comprehensive planning and developments of regional impact. He then provided a brief description of the Charlotte Harbor National Estuary Program, an entity under the SWFRPC umbrella. He further explained the SWFRPC served as the Economic Development District for the six county area, noting its importance to work hand in hand with the environment when creating jobs. He stated applications were underway to gain funding from the President's economic stimulus program. He concluded by explaining their relationship to the comprehensive planning process on a regional basis.

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

**ORDINANCE/RESOLUTION**

**No Public Hearing Required**

**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.**

City Attorney Levin read the ordinance by title.

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

**MOTION UNANIMOUSLY CARRIED.**

**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**

City Attorney Levin explained the ordinance could be adopted with elimination of the portions related to water emergencies, or same could be denied and brought back in the amended version.

**Mayor Friedman** explained he and staff had met with Southwest Florida Water Management District (SWFWMD) with regard to same.

City Manager Kunik reported staff recommended the ordinance be continued to the next meeting to allow changes to be made. He explained SWFWMD officials had

indicated they would not approve the other changes; however, they had discussed the City's expansion project which may include a small reverse osmosis (RO) plant, wherein the City should be eligible for funding to assist with same. He explained based on the drought, SWFWMD may mandate that no warnings will be permitted.

**Councilmember Albers** suggested the Code Enforcement Board meet with Code Enforcement and Police Department staff with regard to mitigating circumstances related to watering violations.

City Attorney Levin read the ordinance by title.

Councilmember Goldberg **MOVED** to continue to March 4, 2009, **SECONDED** by Councilmember McCormick.

**MOTION UNANIMOUSLY CARRIED.**

**Mayor Friedman** provided a brief explanation of SWFWMD's funding priorities.

**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**

City Attorney Levin read the ordinance by title.

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

**MOTION UNANIMOUSLY CARRIED.**

#### **PUBLIC HEARINGS**

**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.

City Attorney Levin read the resolution by title.

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

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

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**

City Attorney Levin read the ordinance by title.

Ms. LeBeau, Chief Planner, explained the amendment brought the property under one jurisdiction, adding staff and the Planning Commission recommended approval. She requested the motion include a request to hold the second public hearing at the regularly scheduled meeting of June 3, 2009.

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

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

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Wallace **MOVED** approval and to hold the second public hearing at the regularly scheduled June 3, 2009 meeting, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

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. 41222400001, 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.

City Attorney Levin read the resolution by title.

Mayor Friedman called three times for public comment.

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

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. 41222400001, 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**

City Attorney Levin read the ordinance by title.

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

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

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Albers **MOVED** approval and to hold the second public hearing at the regular June 3, 2009 meeting, **SECONDED** by Councilmember Goldberg.

**MOTION UNANIMOUSLY CARRIED.**

**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**

City Attorney Levin read the ordinance by title.

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

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

**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**

City Attorney Levin read the ordinance by title.

Mayor Friedman called three times for public comment.

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

**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.**

City Attorney Levin read the resolution by title.

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

**MOTION UNANIMOUSLY CARRIED.**

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

**MOTION UNANIMOUSLY CARRIED.**

#### **QUASI-JUDICIAL PUBLIC HEARINGS**

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

**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**

City Attorney Levin read the ordinance by title.

Mayor Friedman explained same related to the annexations and comprehensive plan amendments heard earlier.

Ms. LeBeau requested the second public hearing be held at the regularly scheduled meeting on June 3, 2009.

Ms. Sarah White inquired what the zoning would permit.

Ms. LeBeau explained same was planned to be a portion of the school campus.

Ms. White explained she owned the property and was unaware of any changes.

Mr. Rob Berntsson, Applicant's Attorney, reported the school board owned all of the property, advising he would assure same was correct prior to the second public hearing.

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

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Goldberg **MOVED** approval and to hold the second public hearing at the regularly scheduled June 3, 2009 meeting, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

Discussion ensued with regard to the property ownership.

**NOTE: See conversation immediately following the Consent Agenda.**

**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**

City Attorney Levin read the ordinance by title.

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

**MOTION UNANIMOUSLY CARRIED.**

Councilmember Wallace **MOVED** approval and to hold the second public hearing at the regularly scheduled June 3, 2009 meeting, **SECONDED** by Councilmember McCormick.

**MOTION UNANIMOUSLY CARRIED.**

**CONSENT AGENDA**

**Mayor Friedman** stated he had discussed the legal bills in that the amount had reached the threshold where same should be reconsidered, adding the City Manager and City Attorney were working together toward a reduction of same.

**Councilmember Goldberg** suggested consideration be given to not requiring the City Attorney's attendance at meetings.

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 February 4, 2009

**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.
2. Statement of the Farr Law Firm for forfeiture services rendered.
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 Take™" campaign; and providing an effective date.
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.

**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.

## **D. UTILITY DEPARTMENT**

1. A Resolution of the City Council of the City of Punta Gorda, Florida, approving Certification of Authorizing Entity to Bureau of Public Land Administration Department of Environmental Protection and authorizing the Mayor to sign the certification; and providing an effective date.

In relation to the discussion regarding property ownership during Z-08-08, Mr. Berntsson reported Ms. White actually owned the property across the road from the subject property. He added due to the roadway construction, someone had moved the public hearing notice signage from the appropriate property and located it across the street on Ms. White's property.

### **NEW BUSINESS**

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

**Councilmember McCormick** inquired if an agreement had been reached.

City Manager Kunik responded there was an agreement; however, there were issues that had not been agreed to by the County. He advised if members felt some of the requested items were warranted, it should be addressed in a different manner.

**Mayor Friedman** stated he supported approval of the agreement; however, he felt members should work toward assisting the Chief in gaining the other items.

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

**MOTION UNANIMOUSLY CARRIED.**

### **BOARDS AND COMMITTEES**

#### **Announcement of Vacancies**

Historic Advisory Preservation Board (2)

City Clerk Foster announced the vacancies.

Utility Advisory Board

City Clerk Foster announced the vacancy.

Firefighter's Pension Board

City Clerk Foster announced the vacancy.

#### **Nominations**

Board of Zoning Appeals - alternate

Councilmember Goldberg **MOVED** to nominate and appoint Mr. David Baird, **SECONDED** by Councilmember Albers.

**MOTION UNANIMOUSLY CARRIED.**

#### **Appointments**

There were none.

**CITIZENS' COMMENTS**

Ms. Dianne Bettmann spoke of the many activities within the City.  
The meeting was adjourned at 10:39 a.m.

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Mayor

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City Clerk