



# City Council Agenda

## CITY OF PUNTA GORDA, FLORIDA

326 West Marion Avenue, Punta Gorda, FL 33950

### December 16, 2009

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

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#### CITY COUNCIL

Harvey Goldberg, Mayor  
William F. Albers, Vice-Mayor  
Don McCormick, Councilmember  
Charles Wallace, Councilmember  
Lawrence J. Friedman, 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.      PROCLAMATIONS/PRESENTATIONS**

**A.**      Proclamations

**B.**      Presentations

- 1.**      Introduction of Board / Committee Nominees
- 2.**      Certificate of Appreciation from the Americans with Disabilities Act (ADA) Advisory Council presented by Ron Muschong      **PRESENTED**

#### **II-A.   PUBLIC HEARINGS**

- 1.**      An Ordinance of the City of Punta Gorda, Florida, amending Chapter 26 of the City Code of Ordinances known as "The Land Development Regulations", amending Article 8, Standards of General Applicability, adding Subsection 8.27., providing for a local exemption to allow dogs in designated outdoor portions of public food service establishments; providing for definitions; providing for application requirements; providing for conflict and severability; and providing an effective date.

**First Reading**  
**APPROVED**

2. **ZA-18-09** – 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 11, Sign Standards, amending Subsection 11.3., Permitted Signs; amending Sub-Subsection 11.3(h) Incidental Signs, to allow certain incidental signs which are regulated by Florida Statutes to comply with minimum statutory requirements; adding Sub-Subsection 11.3(h)(6) exempting permit requirements for incidental signs in residentially zoned districts; providing for conflicts and severability; and providing an effective date. **CONTINUED TO 2/17/10**
  
3. **SRC-01-09** – A request by Richard Cavalieri, as agent for Punta Gorda Housing Authority, for approval of the final plat for Gulf Breeze Apartments. SHORT LEGAL: 06 41 23 P-1 – That part of the SE ¼ of the SE ¼ lying south of ACL RR right-of-way west of Cooper Street less four 1 acres tracts fronting on Rail Road on Cooper Street Side. Containing 12.13 acres, more or less. **CONTINUED TO 2/17/10**

## **II-B. QUASI-JUDICIAL PUBLIC HEARINGS**

1. **SE-11-09** – A Special Exception request by Gopi Naik, as required per Chapter 26-3.10.(f)(2) of the City Code of Ordinances to allow a package store to be located at 615 Cross Street, Unit 1103, in the Highway Commercial (HC) zoning district. **APPROVED**
  
2. **V-04-09** – Request for a variance to the Land Development Regulations per Section 16-16.10, of the City Code to allow an existing swimming pool and deck to have a rear yard setback of 6.2 feet instead of 20 feet as required per City Code Section 26-3.13.(d); and to allow the wooden steps that extend to the seawall cap instead of having a maximum 5 foot encroachment into the required yard as allowed per City Code Section 26-8.14.(f); and to allow the existing swimming pool deck to have a side yard setback of 4.73 feet at the closest point on the south side of the property instead of 7.5 feet as required by City Code Section 26-3.4(g)(3); and a variance to allow an existing 24.82 foot street yard setback on the existing single family residence instead of 25 feet as required by City Code Section 26-3.4(g)(2).; and a request to allow a new screen enclosure be constructed over the existing swimming pool deck with an existing non-conforming rear yard setback of 6.2 feet instead of 20 feet as required by City Code Section 26-3.13.(d); and to allow the new screen enclosure to have a non-conforming side yard setback of 4.73 feet at the closest point, instead of 7.5 feet as required by City Code Section 26-3.4(g)(3). LEGAL: Block 72, Lot 8, Punta Gorda Isles Section 7 of the Public Records of Charlotte County, Florida. A/K/A 841 Pamela Drive, Punta Gorda Florida **CONTINUED TO 2/17/10**

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

## **III. 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**

1. Approval of Minutes:
  - a. Regular Meeting of December 2, 2009 **APPROVED**

**B. FINANCE DEPARTMENT**

1. Contract award to Shoreline Foundation, Inc. of Pembroke Park, FL for Hendrickson Dam Spillway Replacement **APPROVED**
2. Award of Agreement for Business Management Strategy Consulting Services to BJM Consulting, Inc. of Cape Coral, FL **APPROVED**
3. Award of Amendment #4 Hendrickson Dam – Construction Services in accordance with Agreement #U05033 – Marine/Dam Engineering Services with Stanley Consultants, Inc. **APPROVED**

**C. GROWTH MANAGEMENT**

1. **SCA-08-09** – Request by MY Promotions to hold their annual Arts & Crafts Show at Gilchrist Park, January 8 – 10, 2010 (includes set-up and clean-up); with caged panther exhibit. **APPROVED**
2. **SCA-09-09** – Request by MY Promotions to hold their annual Arts & Crafts Show at Gilchrist Park, March 6 – 7, 2010 (includes set-up and clean-up); with caged panther exhibit. **APPROVED**
3. A Resolution of the City Council of the City of Punta Gorda, Florida, approving the Interlocal Agreement between the City of Punta Gorda and Charlotte County for Preliminary and Final Plat review services; authorizing the Mayor to execute the Interlocal Agreement; and providing an effective date **APPROVED**

**D. LEGAL DEPARTMENT**

1. All legal bills, including the City Attorney invoices, are brought before Council for approval. Year-to-date expenses, including this statement, are \$29,891.25 **APPROVED**

**REGULAR AGENDA**

**IV. UNFINISHED BUSINESS**

- A. Discussion regarding Above Ground Pools and Jacuzzis within the Special Residential Overlay District. **DIRECTION FOR STAFF TO DRAFT ORDINANCE PROHIBITING SAME EXCEPT IN ENCLOSED LANAIS**
- B. Discussion regarding Home Occupations and Special Exception Criteria to include review of currently permitted uses in the residential districts **DIRECTION FOR STAFF TO DRAFT ORDINANCE TO ALLOW LIMITED USES**
- C. Bayfront Center Management and User Proposals **STAFF TO NEGOTIATE LEASE WITH YMCA**

**V. NEW BUSINESS**

- A. Branding Concept for Punta Gorda

**APPROVAL OF “IT’S HAPPENING ON THE HARBOR”**

**VI. RECOMMENDATIONS FROM CITY OFFICERS**

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

**VII. BOARDS AND COMMITTEES**

- A. Announcement of Vacancies  
1. Building Board Alternate (2)  
2. Revitalization Committee (2)  
3. Code Enforcement Board

**ALL VACANCIES ANNOUNCED**

- B. Nominations

- C. Appointments  
1. Code Enforcement Board Alternate  
2. Planning Commission (2)

**GLORIA SEPANIK APPOINTED  
LYNNE MATTHEWS, MASTEN  
LOUGHMAN APPOINTED**

**VIII. POLICY AND LEGISLATION**

- A. Mayor  
B. Councilmember Comments

**IX. 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.*

**X. 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.*

**City Offices will be closed on  
December 24 and 25, 2009 in observance of the Christmas Holiday and  
January 1, 2010 in observance of New Year's Day**

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