



**City Council and Special Community
Redevelopment Agency Agenda
CITY OF PUNTA GORDA, FLORIDA
326 West Marion Avenue, Punta Gorda, FL 33950
April 21, 2010**

ANNOTATED AGENDA

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

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**

I. PROCLAMATIONS/PRESENTATIONS

A. Proclamations

- 1. Arbor Day Proclamation and Announcement of Contest Winners **PROCLAIMED****
- 2. Certificate of Appreciation – David Riley **PROCLAIMED****

B. Presentations

- 1. Introduction of Board / Committee Nominees**
- 2. Final Report on H1N1 Community Activities – Steven Mitnick, Charlotte County Health Department **PRESENTED****

II. COMMUNITY REDEVELOPMENT AGENCY

- A. Roll Call**

- B. Approval of Minutes
 - 1. Regular Meeting of April 7, 2010 **APPROVED**
- C. Approval of Commercial Leases at Herald Court Centre (Artisans' Atelier and Subway) **APPROVED**
- D. Discussion regarding exterior lighting of commercial buildings located in the Waterfront Overlay District. **STAFF DIRECTED TO PREPARE ORDINANCE**
- E. Citizen Comments
- F. Commissioner Comments

III-A. PUBLIC HEARINGS

- 1. An Ordinance of the City of Punta Gorda, Florida, amending Chapter 6, Article 1, "Boats, Docks and Waterways", of the City Code of Ordinances; amending Section 6-4(c) relating to Careful and Prudent Operation and Speed of Boats; amending Section 6-25(a), relating to Definitions; amending Section 6-25(b) relating to the Designation of Certain Waterways within the City of Punta Gorda, Florida as Slow Speed Minimum Wake and Idle Speed No Wake Zones; providing for severability; providing for conflicts; and providing an effective date. **First Reading**
APPROVED AS AMENDED
- 2. An Ordinance of the City of Punta Gorda, Florida, amending the City Code of Ordinances, Chapter 16, "Park Regulations", Section 16-2, "Definitions" to add a definition for the term smoking; amending Section 16-3 regarding Areas of Applicability; amending Section 16-4, "Regulations", adding a new Subsection (k) Prohibiting Smoking in Designated Recreational Areas; amending Section 16-5, "Enforcement"; providing for conflict and severability; and providing an effective date. **First Reading**
APPROVED

III-B. QUASI-JUDICIAL PUBLIC HEARINGS

- 1. **V-03-10** – Request a variance to the Land Development Regulations as per Chapter 26, Article 16, Section 16.10, of the City Code of Ordinances to allow AT & T Mobility, LLC to construct a new replacement Unipole wireless communication facility that is 150 feet in height instead of 110 feet in height as permitted by Chapter 26, Article 4, Section 4.34.(b) of the City Code of Ordinances and to allow a chain link fence topped with a barbed wire barrier to enclose the ancillary structures associated with the wireless communication facility instead of a 6 foot high opaque screen of landscaping and wood fence or wall as required in Chapter 26, Article 4, Section 4.34.(f). **LEGAL:** A portion of Lots 5 and 6, Block 1, Plan of Punta Gorda Center according to the map of plat thereof as recorded in Plat Book 1, Page 20 of the Public Records of Charlotte County, Florida. [Long legal description on file with the City of Punta Gorda Urban Design Division, 126 Harvey Street, Punta Gorda, FL 33950 (941) 575-3372. A/K/A 1623 or 1625 Aqui Esta Drive, Punta Gorda Florida **APPROVED**
- 2. **SE-01-10** – A Special Exception request by Lauralee G. Westine, Agent for AT&T Mobility, LLC, pursuant to Chapter 26, Article 16, Section 16.8, of the City Code of

Ordinances to modify a previously approved Special Exception for a 110 foot high wireless communication facility with a minimum of three (3) carriers to allow a replacement 150 foot high wireless communication facility be constructed to facilitate up to six (6) carriers, a use that is permitted by Special Exception approval within the Public (P) zoning district, per Chapter 26, Article 3, Section 3.12.(g), specifically addressed as 1625 Aqui Esta Drive, Punta Gorda, FL 33950. Any approval of the Special Exception request will be subject to approval of variance application request **V-03-10** to allow the additional height and use of the chain link fence. **LEGAL:** A portion of Lots 5 and 6, Block 1, Plan of Punta Gorda Center according to the map of plat thereof as recorded in Plat Book 1, Page 20 of the Public Records of Charlotte County, Florida. [Long legal description on file with the City of Punta Gorda Urban Design Division, 126 Harvey Street, Punta Gorda, FL 33950 (941) 575-3372. **A/K/A** 1623 or 1625 Aqui Esta Drive, Punta Gorda Florida
APPROVED

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

1. An Ordinance of the City of Punta Gorda, Florida, amending Chapter 23, Traffic, City Code of Ordinances, adding a new Section 23-21 prohibiting the parking of vehicles and trailers with signs, graphics, or printing which are legible from public rights-of-way; providing for the granting of special exemptions in cases of unique hardships; providing for special parking permits for special events; amending Section 23-14(a) relating to Penalties; amending Section 23-14(c) relating to Citation Contests; amending Section 23-19 holding registered owners responsible for violations; providing for conflict and severability; and providing an effective date
Second Reading
DENIED; REMANDED TO STAFF FOR RE-WRITING IN THE MANNER OF PRE-2005 ORDINANCE

2. An Ordinance of the City of Punta Gorda, Florida, amending City Code of Ordinances, Chapter 9A, “Code Enforcement and Abatement of Nuisances”, amending Chapter 9A, Article I, Section 9A-8, City Code of Ordinances, relating to powers of the Code Enforcement Board; amending Chapter 9A, Article III, Section 9A-11, City Code of Ordinances, relating to Definitions; amending Chapter 9A, Article V, Section 9A-17, “Additional Remedies”, City Code of Ordinances, authorizing the City of Punta Gorda, Florida to abate public nuisances on private property and to levy and collect special assessments as a means of obtaining reimbursement for the City’s nuisance abatement actions; providing a procedure for the levy and collection of special assessments against real property upon which nuisance abatement actions were taken by the City of Punta Gorda, Florida; requiring mortgagees to register distressed real property; providing procedures for the registration of distressed real property; requiring an annual registration fee; providing for retroactive application of registration requirements; providing for the appointment of local agents with respect to vacant distressed real property; providing for duties of mortgagees and designated local agents with respect to distressed real property; providing for violations; providing for conflict and severability; and providing an effective date.
Second Reading
APPROVED

3. **ZA-04-10** – 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 3, Regulating Districts, Subsection 3.9., CC, City Center District, by adding “Schools” as a new permitted principal use and structure; amending Sub-Subsection 3.9.(f) removing (10) Schools from Uses Permitted By Special Exception and renumbering accordingly; 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

1. Approval of Minutes:
 - a. Regular Meeting of April 7, 2010 **APPROVED**
 - b. Budget Workshop of April 9, 2010 **APPROVED**

B. LEGAL DEPARTMENT

1. A Resolution of the City of Punta Gorda, Florida, accepting an Easement from the State of Florida Fish and Wildlife Conservation Commission for installation of a municipal wastewater forcemain pipeline; authorizing the Mayor to sign the Easement; and authorizing the City Clerk to record the Easement
APPROVED
2. Statements of Martella Law Firm, P.L. for services rendered in March 2010
APPROVED

C. GROWTH MANAGEMENT DEPARTMENT

1. A Resolution of the City of Punta Gorda, Florida, Approving an Amendment to the Communications Site Lease Agreement (Ground); authorizing the Mayor to sign the agreement; and providing an effective date **APPROVED**

D. PUBLIC WORKS DEPARTMENT

1. Donation of Concrete Material to Charlotte County Environmental and Extension Services
APPROVED

E. POLICE DEPARTMENT

1. Grant Appropriation Request – Byrne/JAG Law Enforcement Grant (OSSI Resource Monitors)
APPROVED

REGULAR AGENDA

V. UNFINISHED BUSINESS

- A. Change order to Harborwalk East design adding the final two segments of Martin Luther King Boulevard (MLK) hardscape and pathway to link the Trabue Woods neighborhood and other east areas to the Ring-Around-the-City **APPROVED**
- B. Extend Construction Limits of Multi-Use Recreational Trail (MURT 3) **APPROVED**

VI. NEW BUSINESS

- A. Purchase of 3 Remaining Condominium Units in area of the Public Works/Utilities Campus (former Cooper Street Commerce Park) **APPROVED**

VII. RECOMMENDATIONS FROM CITY OFFICERS

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

VIII. BOARDS AND COMMITTEES

- A. Announcement of Vacancies
 - 1. Building Board – Alternate
 - 2. Historic Preservation Advisory Board (2)
 - 3. Waterfront Development Advisory Committee (3)**ALL VACANCIES ANNOUNCED**
- B. Nominations
- C. Appointments

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.

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