



# Regular City Council Meeting

## CITY OF PUNTA GORDA, FLORIDA

326 West Marion Avenue, Punta Gorda, FL 33950

### December 14, 2011

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

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#### CITY COUNCIL

William F. Albers, Mayor  
Carolyn Freeland, Council Member  
Harvey Goldberg, Vice Mayor  
Rachel Keesling, Council Member  
Charles Wallace, Council Member

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

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#### **I.      PROCLAMATION/PRESENTATIONS**

A.      Introduction of Board/Committee Member Nominees

#### **II -A. PUBLIC HEARINGS**

1.      **AX-01-11** - An Ordinance of the City of Punta Gorda, Florida, annexing within the corporate area of the City of Punta Gorda, property described as Lots 28 & 29, Block A, Unit 1, Aqui Esta Subdivision as per plat thereof, recorded in Plat Book 3, Pages 11 and 12, of the Public Records of Charlotte County, Florida, less state road right of way as described in O.R. Book 500, Page 398, and generally described as 3225 Tamiami Trail, Punta Gorda, Florida, as more particularly described in attached Exhibit "A", 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 5-0**

- 2. **CP-02-11** - 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 Commercial/County (C/County) to Highway Commercial Corridor/City (HCC/City) on property generally described as 3225 Tamiami Trail, Punta Gorda, Florida, as more particularly described on Exhibit "A" attached to this ordinance; providing for conflict and severability; and providing an effective date.

**Second Reading**  
**APPROVED 5-0**

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

- 1. **V-03-11** – Request for a variance to the Land Development Regulations pursuant to Chapter 26, Section 16.10, Punta Gorda Code to allow a new two-car garage addition to be constructed and attached to the historic structure addressed as 413 W. Retta Esplanade with a street yard setback on the Durrance Street side of the property of 4.1 feet instead of 10 feet as is required per Chapter 26, Section 3.7(g) (2), Punta Gorda Code. Said property is located within the Neighborhood Residential 10 Units per Acre (NR-10) the National Register Historic District. LEGAL: A part of Lot H and all of Lot B, measuring 73 feet by 140 feet in the Northwestern corner of the East one-half of Block 8, a Subdivision of Block 8, City of Punta Gorda, recorded in Plat Book 1, at page 34 of the Public Records of Charlotte County, Florida; and that portion of an alley described in that deed dated March 5, 1986, recorded in Official Records Book 859, at Page 1673, of the Public Records of Charlotte County, Florida. A/K/A: 413 W Retta Esplanade, Punta Gorda Florida

**APPROVED 5-0**

- 2. **V-04-11** – Request for a variance to the Land Development Regulations pursuant to Chapter 26, Section 16.10, Punta Gorda Code, on an existing single-family structure to allow a sidewalk in the required drainage area of the side yard of the property, instead of sod as is required per Chapter 26, Section 8.13(a) and (f)(2), Punta Gorda Code; and to allow the sidewalk to have a setback of zero feet instead of three (3) feet as required by Chapter 26, Section 8.14(h), Punta Gorda Code, and to allow two walkways for access to the seawall, instead of a single walkway as is permitted by Chapter 26, Section 3.13(t), Punta Gorda Code. LEGAL: Block 10, Lot 34, Punta Gorda Isles Section Four of the Public Records of Charlotte County, Florida. A/K/A: 2284 Palm Tree Drive, Punta Gorda Florida.

**CONTINUED TO 02/01/12**  
**4-1**

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

- 1. **CP-03-11** - An Ordinance of the City of Punta Gorda, Florida, adopting an Amendment to the City of Punta Gorda Comprehensive Plan 2025 for the purpose of updating the Capital Improvements Element to be consistent with 2011

Legislative Changes to Chapter 163, Florida Statutes; providing for conflict and severability; and providing an effective date.

**Second Reading**  
**APPROVED 5-0**

2. **Z-01-11** - An Ordinance of the City of Punta Gorda, Florida, rezoning property generally described as 3225 Tamiami Trail, Punta Gorda, Florida, as more particularly described on Exhibit "A" attached to this ordinance, from Commercial-Intensive/County (CI/County) to Highway Commercial/City (HC/City); providing for conflict and severability; and providing an effective date.

**Second Reading**  
**APPROVED 5-0**

### **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'S DEPARTMENT**

1. Approval of Minutes: Regular Meeting of December 7, 2011

**APPROVED 5-0**

#### **B. CITY MANAGER'S DEPARTMENT**

1. A Resolution of the City Council of the City of Punta Gorda, Florida, supporting police officer and firefighter pension plan and disability presumption reforms to make the plans sustainable, sound and secure for current and future police officers and firefighters.

**APPROVED 5-0**

#### **C. LEGAL DEPARTMENT**

1. Invoice of Icard, Merrill, Cullis, Timm, Furen & Ginsburg, P.A. for services rendered by David M. Levin, Esq. through December 7, 2011.

**APPROVED 5-0**

2. A Resolution of the City Council of the City of Punta Gorda, Florida, imposing a Municipal Special Assessment for Demolition and Nuisance Abatement Services performed at 24368 Airport Road, Punta Gorda, Florida, in accordance with Chapter 9A, Punta Gorda Code.

**APPROVED 5-0**

3. A Resolution of the City Council of the City of Punta Gorda, Florida, imposing a Municipal Special Assessment for Unsafe Building Abatement Services performed at 327 Boca Grand Boulevard, Punta Gorda, Florida, in accordance with Chapter 7, Punta Gorda Code.

**APPROVED 5-0**

**REGULAR AGENDA**

**IV. UNFINISHED BUSINESS**

- A. Discussion regarding existing changeable copy sign regulations in the City
- B. Fair Share Impact Fee Update Report **APPROVED 5-0**

**V. NEW BUSINESS**

- A. Construction conflicts between Harborwalk West Zone7 and Downtown Flooding Phase II **DIRECTION PROVIDED TO STAFF**

**VI. RECOMMENDATION FROM CITY OFFICERS**

- A. City Manager
  - 1. Discussion of Agreement with Punta Gorda Boat Club for access to boat basin **DIRECTION PROVIDED TO STAFF**
- B. City Attorney
- C. City Clerk
  - 1. Appointment of Community Redevelopment Agency (CRA) Member **JANE STURGES REAPPOINTED**

**VII. BOARDS AND COMMITTEES**

- A. Announcement of Vacancies
  - 1. Punta Gorda Isles Canal Advisory Committee **VACANCY ANNOUNCED**
- B. Nominations
  - 1. Building Board **NOMINATIONS MADE**

**VIII. POLICY AND LEGISLATION**

- A. Mayor
- B. Council Member Comments

**IX. CITIZENS' COMMENTS**

**X. ADJOURNMENT**

*At meetings in which public hearings are reviewed, any member of the audience who wishes to speak will be recognized and heard. All persons must be sworn in prior to offering testimony. If any person decides to appeal any decision made by this Board/Committee with respect to any matter considered at such meeting or hearing, he or she must need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the 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, persons with disabilities needing special accommodations to participate in this proceeding should contact the Office of the City Clerk at (941) 575-3369.*