

City of Venice

401 West Venice Avenue
Venice, FL 34285
www.venicegov.com

Meeting Minutes City Council

Tuesday, August 26, 2014

9:00 AM

Council Chambers

CALL TO ORDER

Mayor Holic called the meeting to order at 9:00 a.m.

ROLL CALL

Present: 7 - Mayor John Holic, Council Member Jim Bennett, Council Member Emilio Carlesimo, Council Member Kit McKeon, Council Member David Sherman, Council Member Jeanette Gates and Council Member Bob Daniels

Also Present

City Attorney Dave Persson, City Clerk Lori Stelzer, City Manager Ed Lavallee, Recording Secretary Heather Taylor, and for certain items on the agenda: Police Chief Tom McNulty, Finance Director Jeff Snyder, Public Works Director John Veneziano, and Planner Roger Clark.

INVOCATION AND PLEDGE OF ALLEGIANCE

Ms. Stelzer offered the Invocation followed by the Pledge of Allegiance led by Mr. Carlesimo.

I. RECOGNITION

- 14-0839** Certificate of Achievement for Excellence in Financial Reporting, Finance Director Jeff Snyder
Mayor Holic presented this Certificate of Achievement to Mr. Snyder.
- 14-0840** 5-Year Service Award, Barry Spinweber, Firemedic
Mayor Holic presented this award to Mr. Spinweber.
- 14-0841** Retirement Recognition, Lieutenant C. A. Tony Fitzgerald for 20+ Years of Service
Mayor Holic presented this recognition to Lt. Fitzgerald.

II. AUDIENCE PARTICIPATION

Darlene Follett, 201 Grove St. N. #410, expressed concern with the homeless congregating at Ruscelletto Park, and provided council with a list of concerns.

Mayor Holic stated that he would be meeting with city manager and police chief regarding the matter.

Discussion followed regarding the installation of surveillance cameras, police department representation at the next Venice Housing Authority meeting, and police presence at the park.

Mr Lavallee noted the police chief was meeting with the Venice Housing Authority.

Discussion ensued on the South County Homeless project.

III. CONSENT SECTION:

A motion was made by Council Member McKeon, seconded by Council Member Sherman to approve items in the Consent Section. The motion carried by voice vote unanimously.

A. MAYOR

- 14-0843** Approve State of Florida Department of Transportation Interlocal Agreement for Creation of the Metropolitan Planning Organization
- This Agreement was approved on the Consent Agenda.**

B. CITY CLERK

- 14-0844** January 29, 2014 A & B of Venice Appeal (AAMCO), May 22, 2014 Parking Workshop, August 8, 2014 Budget Workshop
- These Minutes were approved on the Consent Agenda.**

C. CITY MANAGER

Engineering

- CON. NO. 12-2014** Approve Contract for Wayfinding Signage Construction, Phase 1 (ITB # 2990-14) with Creative Mailbox Designs d/b/a Creative Sign Designs in the Amount of \$109,157.00
- This Contract was approved on the Consent Agenda.**
- 14-0845** Award Piggyback Contract to Ajax Paving Industries of FL, LLC for Pinebrook Resurfacing and Minor Bridge Repair in the Amount of \$450,563.86
- This Contract was approved on the Consent Agenda.**

Finance

- 14-0846** Approve Second Amendment to the Lease Agreement Dated July 26,

2011, with Venice Area Beautification, Inc. for the Old Venice Area Chamber Building at 257 North Tamiami Trail, Venice, Florida

This Agreement was approved on the Consent Agenda.

14-0847

Disposal of Surplus Vehicles and Equipment

This Agreement was approved on the Consent Agenda.

Utilities

**CON. NO.
13-2014**

Approve Contract for Water Main Replacement Phase 2 (ITB # 2986-14) with Spectrum Underground, Inc. in the Amount of \$1,066,617.00

This Contract was approved on the Consent Agenda.

IV. PUBLIC HEARINGS

**RES. NO.
2014-31**

Vacation of a Portion of a 10-Foot Utility Easement Lying at the Rear Lot Line of Lot 2, Holloway Heights Subdivision (824 Higel Drive) According to the Plat of Holloway Heights as Recorded in Plat Book 29, Page 36, Sheet 1 of 1, Inclusive, of the Public Records of Sarasota County, Florida

Ms. Stelzer read the resolution by title only.

Mayor Holic opened the public hearing.

No one signed up to speak for audience participation and Mayor Holic closed the public hearing.

A motion was made by Council Member Gates, seconded by Council Member Daniels, that Resolution No. 2014-31 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. Bennett, Mr. Carlesimo, Mr. McKeon, Mr. Sherman, Ms. Gates and Mr. Daniels

**RES. NO.
2014-33**

Approve the First Amendment to an Agreement to Vacate Which Eliminates the Requirement for the Conveyance of a 24-Foot Wide Easement Along the Property's Western Boundary from Tampa Avenue to East Venice Avenue; Relative to the Alleyway Referred to as #67 Calle Del Canal, Between the Venice Avenue Bridge and East Tampa Avenue, Located in Block 67, Gulf View Section of Venice, As Recorded in Plat Book 2, Page 77, Public Records of Sarasota County, Florida

Ms. Stelzer read the resolution by title only and noted the amendment was placed at the dais for review.

Mayor Holic opened the public hearing.

Jeff Boone, Boone Law Firm, provided a brief explanation of the request

to include the amendment to delete the requirement to dedicate the easement, noted the alley would serve as a driveway, asked for consensus from council to consider allowing the alley to be gated, and responded to council's questions regarding garbage pick up, impact on current residents, and allowing the process to be heard before the planning commission.

No one signed up to speak for audience participation and Mayor Holic closed the public hearing.

A motion was made by Council Member Daniels, seconded by Council Member Sherman, that Resolution No. 2014-33 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. Bennett, Mr. Carlesimo, Mr. McKeon, Mr. Sherman, Ms. Gates and Mr. Daniels

V. UNFINISHED BUSINESS

ORDINANCES – FINAL READING AND PUBLIC HEARING

ORD. NO. Amending the Code of Ordinances, Chapter 2, Administration, by
2014-19 Adding Article VIII, Boards, Section 2-381, Economic Development Advisory Board, Section 2-382, Environmental Advisory Board, Section 2-383, Public Art Advisory Board

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Ms. Stelzer stated no written communications have been received.

No one signed up to speak for audience participation and Mayor Holic closed the public hearing.

A motion was made by Council Member Sherman, seconded by Council Member Bennett, that Ordinance No. 2014-19 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. Bennett, Mr. Carlesimo, Mr. McKeon, Mr. Sherman, Ms. Gates and Mr. Daniels

ORD. NO. Amending the Code of Ordinances of the City of Venice, Florida,
2014-23 Chapter 50, Personnel; Article III, Pensions and Retirement; Division 3, Municipal Police Officers' Pension Trust Fund, Section 50-131, Definitions; Section 50-132, Membership; Section 50-135, Contributions; Section 50-136, Benefit Amounts and Eligibility

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Ms. Stelzer stated no written communications have been received.

No one signed up to speak for audience participation and Mayor Holic closed the public hearing.

A motion was made by Council Member Carlesimo, seconded by Council Member Gates, that Ordinance No. 2014-23 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. Bennett, Mr. Carlesimo, Mr. McKeon, Mr. Sherman, Ms. Gates and Mr. Daniels

ORD. NO. Amending the Code of Ordinances of the City of Venice, Florida,
2014-22 Chapter 50, Personnel; Article III, Pensions and Retirement; Division 2, Municipal Firefighters' Pension Trust Fund, Section 50-81, Definitions; Section 50-82, Membership; Section 50-85, Contributions; Section 50-86, Benefit Amounts and Eligibility

Ms. Stelzer read the ordinance by title only and noted the revision to include percentage amounts.

Mayor Holic opened the public hearing.

Ms. Stelzer stated no written communications have been received.

No one signed up to speak for audience participation and Mayor Holic closed the public hearing.

A motion was made by Council Member McKeon, seconded by Council Member Daniels, that Ordinance No. 2014-22 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. Bennett, Mr. Carlesimo, Mr. McKeon, Mr. Sherman, Ms. Gates and Mr. Daniels

COUNCIL ACTION

14-0829 Request for City Council Level of Support for Sarasota Chalk Festival 2014

Mayor Holic requested the item be removed and instead discuss options to support non-profit organizations.

Discussion followed regarding deferring the topic, marketing expenses, spending in arrears, the use of a marketing committee, non-profit vs. not-for-profit volunteerism, support variations in accordance with event size, and economic development planning. Further discussion took place on the Venice Baptist Church's anniversary, special event management being the responsibility of the assistant city manager, and the church service schedule.

Mr. Lavallee stated a shuttle service will be provided, and recommended

deferring special event management discussion until Friday's budget workshop.

VI. NEW BUSINESS

A. PRESENTATIONS

14-0848

Jeff Snyder, Finance Director: Monthly Financial Report (10 min.)

Mr. Snyder provided a financial update to include year-end projections, and an impact fee quarterly report.

Discussion followed regarding library impact fees for construction.

Mr. Snyder further reviewed budget versus actual variance by year.

Discussion ensued on general fund revenue and expenditures, unrestricted reserve appropriation, and deadlines for maintenance projects.

B. RESOLUTIONS

Recess was taken from 10:17 a.m. until 10:30 a.m.

**RES. NO.
2014-32**

Appointment of Heather Taylor as Deputy City Clerk for the Purpose of Authenticating any Written Instrument Obligating the City for Payment of Money, Attesting Signatures on Documents and Administering Oaths of Office; and Revoking the Appointment of Judy Gamel as Deputy City Clerk; Rescinding Resolution No. 2005-07

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Carlesimo, seconded by Council Member Bennett, that Resolution No. 2014-32 be approved and adopted. The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. Bennett, Mr. Carlesimo, Mr. McKeon, Mr. Sherman, Ms. Gates and Mr. Daniels

**RES. NO.
2014-30**

Authorize Development of a Program to Manage, Administer, Design, Budget and Control Memorials within City Parks and Open Space, and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

A motion was made by Council Member Daniels, seconded by Council Member Gates, that Resolution No. 2014-30 be approved and adopted.

Mr. Persson responded to council's questions regarding the city giving concurrence on items in county owned parks located within the city.

Mr. Veneziano responded to council's questions on the process and

authority to engrave names on memorials.

Discussion followed on an interlocal agreement with the county regarding memorials, maintenance of all memorials being addressed in the resolution, county criteria for the 9/11 memorial, war veteran exemptions, and donated memorials.

Mayor Holic reviewed the definition of general consensus versus unanimous consent.

There was consensus to direct the city manager to develop a proposed policy on memorials.

Discussion followed regarding the use of consensus at workshops.

Following the motion, Mr. Persson noted general consensus can be used at workshops to direct staff and clarified the definition of general consensus to be the general majority.

The motion carried by the following vote:

Yes: 7 - Mayor Holic, Mr. Bennett, Mr. Carlesimo, Mr. McKeon, Mr. Sherman, Ms. Gates and Mr. Daniels

VII. CHARTER OFFICER REPORTS

City Attorney

City Clerk

City Manager

VIII. COUNCIL REPORTS

Ms. Gates requested an update on the Toscana Isles project, expressed concern with the homeless situation throughout the county, requested an update on Father Fish Aquarium, commented on the Eagle Scout award ceremony, and encouraged council to donate to Rachel Nowak via gofundme.com.

Mr. Daniels requested the city manager send out information on the backflow valve ordinance, commented on expired building permits, and asked for consensus that staff review the ordinance for revisions.

Discussion followed on alternative ways to close permits.

There was consensus that staff review the ordinance regarding expired permits and provide a recommendation to council.

Mr. McKeon commented on the Southwest Florida Regional Planning

Council meeting, and the planning commission workshop discussion on public workshop consistency, site and development plan requirements, and variance approval criteria.

Mr. Sherman commented on the Charlotte Harbor National Estuary program meeting, and provided an update on Father Fish to either appeal to council or apply for a variance.

Mr. Bennett noted he is not available for the September 15 MPO meeting and requested representation, and commented on the homeless issue at Ruscelletto Park.

Mr. Carlesimo commented on Kathy Cushing's presentation to the Parks and Recreation Advisory Board, the Venice MainStreet meeting regarding waiting lists for rentals, the September 11 ceremony, and suggested researching the county's plans for a holding cell at the R.L. Anderson building.

Discussion followed regarding arrest records, and costs to house prisoners at this location.

There was consensus that the city manager investigate the county's plans for a holding cell during the expansion at the R.L. Anderson building.

Mayor Holic requested clarification on duties of council liaisons and staff liaisons of boards, and commented on the need for staff to direct topics to the appropriate board, and the Venice Housing Authority meeting with regards to the homeless.

Chief McNulty provided an update on the homeless at Ruscelletto Park to include his meeting with Mr. Follett, stated he will speak with the city attorney regarding trespassing, and clarified the release of a homeless man after he was placed in the police vehicle.

IX. AUDIENCE PARTICIPATION

Don O'Connell commented on the editorial in the Herald Tribune regarding extending the community redevelopment agency (CRA).

Discussion followed on the county commission's vote to not extend the CRA, and the upcoming CRA workshop on September 3.

14-0849

1:30 P.M. OR SHORTLY THEREAFTER - PRIVATE
ATTORNEY-CLIENT SESSION, PURSUANT TO FLORIDA STATUTE
286.011(8), TO DISCUSS ALTIER VS. CITY OF VENICE

In attendance will be City Attorney Dave Persson, Mayor John Holic, Vice Mayor Emilio Carlesimo, Council Members Jim Bennett, Bob Daniels, Jeanette Gates, Kit McKeon and Dave Sherman, City Manager Ed Lavallee, Attorney Andrea Zelman and Roberts Court Reporting.
(Expected Duration 1 1/2 hours)

Recess was taken from 11:42 a.m. until 1:30 p.m. All were present with the exception of Ms. Gates.

Mayor Holic announced that a Private Attorney-Client Session would be held pursuant to Florida Statute 286.011(8) to discuss Altier vs. City of Venice.

In attendance will be City Attorney Dave Persson, Mayor John Holic, Vice Mayor Emilio Carlesimo, Councilmembers Bob Daniels, Jim Bennett, Dave Sherman, and Kit McKeon, City Manager Ed Lavallee, Attorney Andrea Zelman, and Roberts Court Reporting.

The session will last approximately one and one half hour, after which the special council meeting will reconvene in Council Chambers.

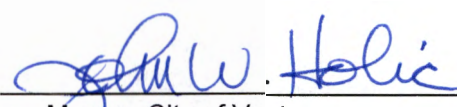
Mr. Persson added that discussion will be confined to litigation and litigation expenses.

Mayor Holic announced at 2:16 p.m. that the Private Attorney-Client Session was over and the meeting was reconvened.

X. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 2:16 p.m.

ATTEST:


Mayor - City of Venice


City Clerk

