



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, May 24, 2016

9:00 AM

Council Chambers

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### CALL TO ORDER

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

### ROLL CALL

**Present:** 7 - Mayor John Holic, Council Member Kit McKeon, Council Member Jeanette Gates, Council Member Bob Daniels, Council Member Deborah Anderson, Council Member Richard Cautero and Council Member Fred Fraize

### Also Present

City Attorney Dave Persson, Assistant City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Assistant City Clerk Heather Taylor, and for certain items on the agenda: Utilities Director Tim Hochuli, Interim Finance Director Linda Senne, and Director of Historical Resources James Hagler.

### INVOCATION AND PLEDGE OF ALLEGIANCE

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

### I. RECOGNITION

[16-2009](#)

Mayor's Pillar of the Community Award, Presented to Russ Johnson

**Mayor Holic presented this award.**

[16-2010](#)

Proclaim May 21 through May 27, 2016 as National Safe Boating Week, Presented to James Sleichert, Flotilla Commander, United States Coast Guard Auxiliary-Flotilla 6 and Robert L. Eppinger, Commander, Venice Sail & Power Squadron

**Mayor Holic presented this proclamation.**

[16-2011](#)

Distinguished Budget Presentation Award for the Fiscal Year Ending 2016 Budget from the Government Finance Officers Association Presented to Interim Finance Director Linda Senne

**Mayor Holic presented this award.**

Mayor Holic mentioned the annual hurricane preparedness seminar taking place on May 25, 2016.

## II. AUDIENCE PARTICIPATION

Peter McNally, airSpace One, provided an overview of airSpace One, the benefits of wireless technology and communications to the city, and potential financial income of hosting locations.

Jack Sullivan, 256 Pensacola Road, commented on building the new library at the same location as the closed library, considering the Hamilton Building as a police station location, and developing a parking APP.

Bill Ahern, 158 Tiziana Way, commented on previous council agenda items regarding the post office, the Seaboard Area, and northeast connectivity, economic development advisory board motion to recommend council further discuss the relocation of the post office, and the need for more information.

Janine Joyner, 817 Riviera Street, commented on the need to reopen the library in its current location prior to focusing on projects that are not urgent and the need for city staff presence at the upcoming Sarasota County meeting.

Elaine Schwartz, 240 S. Harbor Drive, commented on the need to maintain the current library, and volunteer work to bring the library to standard.

Joel Kreiss, 509 Lake of the Woods Drive, commented on the creation of a John Nolen pedestrian promenade, making Venice Avenue from Harbor Drive to Tamiami Trail vehicle free, investigating the use of shuttles, government grants, and a parking garage, and responded to council questions regarding his residency.

Kevin Barton, 1300 N. Jackson Road, commented on the lack of public notice on an agenda item, the need to mail people notices, concern with through ways, and wildlife corridors.

## III. CONSENT SECTION:

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

### A. CITY CLERK

[16-2012](#)

Minutes of the May 10, 2016 Regular Meeting

**These Minutes were approved on the Consent Agenda.**

**B. CITY MANAGER**Information Technology

[CON. NO.](#)  
[52-2016](#) Request for Purchase of ESRI Small Municipal and County Government Enterprise License Agreement (ELA) in an Amount Not to Exceed \$102,000.00 and Authorize the Mayor to Execute the Three-Year Agreement

**This Contract was approved on the Consent Agenda.**

Planning and Zoning

[16-2014](#) Requesting Approval of the Event Agreement for Venice High School Graduation Fireworks on June 3, 2016

**This Agreement was approved on the Consent Agenda.**

Utilities

[16-2015](#) Approval of the Acceptance of Utility Perpetual Easement between Costa Brava Condominium Association, Inc. and City of Venice for the Placement of Proposed Generator to Service Lift Station 2 at Venice Costa Brava

**This Easement was approved on the Consent Agenda.**

[16-2016](#) Execution of Wade Trim Work Assignment No. 3, Change Order No. 1, Water Main Replacement Phase 4, in the Amount of \$27,960 Bringing the New Contract Amount to \$277,960

**This Work Assignment was approved on the Consent Agenda.**

[16-2017](#) Execution of Hazen and Sawyer Work Assignment No. 6, Eastside Water Reclamation Facility Reaeration Blower Replacement, in the amount of \$106,310

**This Work Assignment was approved on the Consent Agenda.**

**IV. PUBLIC HEARINGS**

[CON. NO.](#)  
[53-2016](#) To Consider the Purchase of a 34-Acre Parcel of Land Commonly Referred to as the AJAX Paving Industrial Land Located at 500 Gene Green Road (metes and bounds legal description) from MAH Venice Investments, LLC, in the Amount of \$775,000

Mayor Holic opened the public hearing.

Ms. Stelzer stated no written communications have been received.

Mr. Lavallee provided an introduction to include appraisals, negotiations with the property owner, the purchase agreement, and access to the property through a perpetual easement.

Ms. Stelzer stated no one signed up to speak.

Mayor Holic closed the public hearing.

**A motion was made by Council Member Daniels, seconded by Council Member Gates, that Contract No. 53-2016 be approved.**

Discussion took place regarding the cost to purchase the property, use of the property, prioritizing use of funds, opportunity for the future of the city, flexibility with options, benefits to the city and residents outside the city, impact fees for parks, and land being set aside for expansion.

**The motion carried by voice vote unanimously.**

## **V. UNFINISHED BUSINESS**

### **A. ORDINANCES**

[ORD. NO.  
2016-05](#)

Staff Requests Postponement of this Ordinance Until a Decision is Received from the Army Corp of Engineers Relative to Removal of the Restaurant and Restrooms from the South Jetty

An Ordinance of the City of Venice, Florida Amending the Code of Ordinances, Chapter 62, Streets, Sidewalks and Other Public Places, by Adding Article VI, Mobile Vending; Establishing Regulations for Mobile Vending; Providing for Severability; and Providing an Effective Date

**A motion was made by Council Member Daniels, seconded by Council Member Fraize, that Ordinance No. 2016-05 be postponed until a decision is received from the Army Corp of Engineers.**

Discussion took place regarding the importance of the area to residents and staff working with West Coast Inland Navigation District (WCIND) in regards to options to keep Anita's Sandcastle at the current location.

**The motion carried by voice vote unanimously.**

### **B. RESOLUTIONS**

[RES. NO.  
2016-12](#)

A Resolution of the City Council of the City of Venice, Florida, Superseding Resolution No. 2015-10 Revising the Duties of the Traffic Advisory Task Force, 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**

**McKeon, that Resolution No. 2016-12 be approved and adopted.**

Discussion took place regarding the recommendation for approval by the traffic advisory task force and inclusion of a sunset clause.

**A motion was made by Council Member Gates, seconded by Council Member Daniels, to amend the motion to include a sunset date of September 30, 2018.**

Discussion ensued regarding impression of the sunset clause on advisory board members and the ability of city council to extend.

**The amendment passed by voice vote unanimously.**

Discussion took place regarding limitations to traffic safety, resources, the need for a traffic flow expert to assist the task force, allocating funds for traffic study, crosswalks, and issues with bridge openings.

**The motion as amended carried by the following vote:**

**Yes:** 6 - Mayor Holic, Mr. McKeon, Ms. Gates, Mr. Daniels, Mr. Caution and Mr. Fraize

**No:** 1 - Ms. Anderson

### ***C. ORDINANCES – FINAL READING AND PUBLIC HEARING***

[ORD. NO.  
2016-08](#)

An Ordinance of the City of Venice, Florida, Ordering and Calling for a Bond Referendum Election to be Held on November 8, 2016, in the City of Venice, Florida to Determine If the Qualified Electors Residing in the City Approve the Issuance by the City Of General Obligation Bonds that Shall Mature not later than 20 Years from their Date of Issuance in an Aggregate Principal Amount not Exceeding \$18,000,000 Payable from Ad Valorem Property Taxes Levied Without Limit Against all Taxable Property Within the City in Order to Finance Certain Transportation-Related Capital Improvements Within the City; Providing Severability and an Effective Date

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Ms. Stelzer stated no written communications have been received and that no one signed up to speak.

Mayor Holic closed the public hearing.

**A motion was made by Council Member Gates, seconded by Council Member Daniels, that Ordinance No. 2016-08 be approved and adopted.**

Discussion took place regarding the significance of the exhibit listing private roads.

Mr. Persson stated that bond funds could not be spendt on private roads.

Mr. Lavallee provided clarification to the exhibit.

Ms. Stelzer clarified that the road exhibits are not part of the ordinance.

Discussion ensued regarding the need for frequently asked questions, information being accessible online, and the city manager providing a timeline for fact sheets.

Mr. Lavallee stated the timeline would be in one week.

Discussion followed regarding the Miami and Tampa Avenue project.

**The motion carried by the following vote:**

**Yes:** 7 - Mayor Holic, Mr. McKeon, Ms. Gates, Mr. Daniels, Ms. Anderson, Mr. Cautero and Mr. Fraize

Recess was taken from 10:32 a.m. until 10:45 a.m.

## VI. NEW BUSINESS

### A. COUNCIL ACTION/DISCUSSION

[16-2018](#)

Appoint Walter H. Pierce, III as Finance Director

**A motion was made by Council Member Gates, seconded by Council Member Daniels, that Item No. 16-2018 be approved. The motion carried by voice vote unanimously.**

[16-2021](#)

Approve Request from Jason Miner to Place a Welded Aluminum Sculpture Titled "Positive Pyramid" at Centennial Park Near the Children's Fountain

Mr. Hagler provided an introduction to include approval recommendations from the public art advisory board and the parks and recreation advisory board and a letter received from Debby Coles-Dobay.

Mr. Miner commented on the chosen location, longevity and maintenance of the piece, hurricane preparation, his availability to maintain and secure the piece, and identification. He played a video of the piece to show operation and safety.

Mr. Hagler spoke to the placement, intent, attractiveness, and the educational aspect of the art.

Mr. Miner responded to council questions regarding his residency and offering the piece to other entities.

Discussion followed regarding ensuring the safety of children playing in

the area, elements that would hinder the art from being located next to the beach, complimenting the shade structures at Centennial Park, alternate locations, ability to reflect on the art, and addressing unintended consequences.

Mr. Miner responded to council questions regarding sustainability of the piece, impact on events held in the park, and consideration of other locations.

Discussion continued regarding focusing on the interest of city residents.

Judith Keeler, 217 Park Boulevard S., commented on her attendance at the parks and recreation advisory board and her support of the art sculpture at the proposed location.

Victoria Dietz, 957 East Douglas Court, commented on her support of the sculpture, her experience with art in the community, and value to the city and to children. She responded to council questions regarding her appointment to the public art advisory board.

**A motion was made by Council Member Daniels, seconded by Council Member McKeon, that Item No. 16-2021 be approved.**

Discussion followed regarding the amount of signs and art within the city, safety issues, and alternative locations.

**A motion was made by Council Member Daniels, seconded by Council Member Anderson, that Item No. 16-2021 be referred back to the parks and recreation advisory board for review and postponed to the following city council meeting. The motion carried by voice vote with Mr. McKeon opposed.**

***C. PRESENTATIONS WILL BE HEARD AT 11:00 A.M. - AGENDA ITEMS MAY BE DELAYED OR MOVED FORWARD TO ACCOMMODATE PRESENTATIONS***

[16-2023](#)

Interim Finance Director Linda Senne and Joel Knopp, CPA, Manager, Moore Stephens Lovelace, P.A.: Presentation of Comprehensive Annual Financial Report (CAFR) and Single Audit Report for Year Ending September 30, 2015 (10 min.)

Ms. Fernandez replaced Mr. Persson at the dais.

Mr. Knopp provided an audit overview to include required communications and services and deliverables, and reviewed the effect on net position from GASB 68 implementation, city-wide analysis, general fund budget, enterprise funds, and new accounting standards.

[16-2024](#)

Linda Senne, Interim Finance Director and Sander Feldman, Island Montessori Charter School Board President. Conduit Financing on Behalf of the Island Montessori Charter School, and Request for Authorization to Post a Notice of Public Hearing to Consider the Issue (5

min.)

Ms. Senne commented on the city not having an obligation to pay the debt, proceeds of bonds, Wells Fargo facilitating the transfer, impact on the city, and review of the application.

**A motion was made by Council Member Gates, seconded by Council Member Daniels, to approve posting a notice of public hearing. The motion carried by voice vote unanimously.**

#### 16-2025

Utilities Director Tim Hochuli and Tom Pendergrass, Friends of Pinebrook Park: Lime Sludge Pond Closure Alternatives Analysis and Request Council Approval to Proceed with Alternative One (10 min.)

Mr. Hochuli commented on prior council direction regarding alternative one, fish and wildlife criteria for gopher tortoises, impact on the tortoises, excavation at the top of berms, and request for approval to proceed.

Discussion took place regarding removing and disposing of the fence, public advertisement, other animals that may be impacted, process to determine location of gopher tortoises, state and national requirements, long term impacts of lime sludge in the area, and land availability for future uses.

Mr. Lavallee commented on the ongoing expense to maintain the fence and prior discussion.

Discussion continued regarding the material potentially may be deemed unsafe in the future and clarification of the recommendation for alternative one.

**A motion was made by Council Member McKeon, seconded by Council Member Daniels, to direct staff to proceed with alternative one.**

Discussion took place regarding toxicity, liabilities, consider rezoning the property, financial impact to residents, and safety issues.

**The motion carried by voice vote with Ms. Anderson, Ms. Gates, and Mr. Fraize opposed.**

Recess was taken from 12:14 p.m. until 12:20 p.m.

### ***COUNCIL ACTION/DISCUSSION - Continued***

#### 16-2022

Thoughts and Ideas for Charging for Use of City Property (Sidewalks) by Restaurants and Stores in the Downtown Area for Seating and Product Display (Holic)

Mr. Daniels requested this item be moved to the next agenda.

Without objection, Mayor Holic reordered the agenda to hear this item last.

[16-2020](#)

Approve First Amendment to Pre-Annexation Agreement Between the City of Venice and Border Road Investments, LLC, Successor in Title and Interest to Caithness Construction, Inc., a Florida Corporation, to Remove a Provision that Required Jackson Road be Improved and Extended from Border Road to Laurel Road as a County/Public Road

Mr. Persson replaced Ms. Fernandez at the dais and provided clarification regarding the procedure to call the previous question and council's right to speak twice per topic.

Jeff Boone, Boone Law Firm, provided an overview on the requests and requested to address both items together. He spoke to previous agreement to not extend Jackson Road, Neal Communities commitment to ensure there is not a requirement to extend Jackson Road, stipulation in the rezone ordinance, and intent to remove the obligation to extend Jackson Road, reviewed the changes to the pre-annexation agreements, and addressed emails received regarding Havana Road.

Mr. Boone responded to council questions regarding Neal Communities position on the validity of the contract.

**A motion was made by Council Member Anderson, seconded by Council Member Fraize, to challenge the Mayor's ruling to keep discussion limited to the expansion of Jackson Road. No vote was taken on this motion.**

Mr. Persson spoke to Ms. Anderson's concern with negotiating the concept and the connection with the validity of the extraordinary mitigation fee.

Mr. Boone spoke to withdrawing the amendment if council would prefer Jackson Road be extended.

Mr. Persson spoke to the requirement in the development agreement to amend the pre-annexation agreement, the follow up amendment to the Comprehensive Plan and Joint Planning Agreement, and stated he does not object to amending the agreement first.

Mr. Boone responded to council questions regarding involvement of the state through the comprehensive plan amendment and potential of the future need for the road to be expanded.

**A motion was made by Council Member Fraize, seconded by Council Member Anderson to postpone the item until the finalization of the comprehensive plan. The motion failed by voice vote, 2-5 with Mr. Cautero, Ms. Gates, Mayor Holic, Mr. McKeon, and Mr. Daniels opposed.**

**A motion was made by Council Member McKeon, seconded by Council Member Daniels, to approve Item No. 16-2020.**

Discussion followed regarding dealing with all of the issues on the agreement and financial obligation.

Mr. Daniels called for a point of order. Mayor Holic stated council will stay with the topic of Jackson Road.

Discussion continued regarding ensuring the north part of Jackson Road is not developed and correcting stipulations that were previously discussed.

Mr. Persson commented on contract negotiation and removing the road from the agreement to ensure it is not expanded.

Discussion ensued regarding no one wanting the road to be expanded.

**A motion was made by Council Member Gates, seconded by Council Member Daniels, to call the previous question. The motion passed by voice vote with Ms. Anderson and Mr. Fraize opposed.**

**The original motion passed by voice vote with Mr. Fraize and Ms. Anderson opposed.**

[16-2019](#)

Approve First Amendment to Pre-Annexation Agreement Between the City of Venice and Border Road Investments, LLC, Successor in Title and Interest to SJMR Limited Partnership, a Florida Limited Partnership and Sandra S. Hurt, as Trustee of the Carlton J. Hurt Trust to Remove a Provision that Required Jackson Road be Improved and Extended from Border Road to Laurel Road as a County/Public Road

This item was discussed under Item No. 16-2020.

**A motion was made by Council Member McKeon, seconded by Council Member Daniels, that Item No. 16-2019 be approved.**

Discussion took place on the disservice to the residents, stipulation during The Woods hearing, ensuring an exit route for emergency situations, and potentially compromising negotiations with the discussion taking place.

**The motion carried by voice vote with Ms. Anderson and Mr. Fraize opposed.**

## **B. ORDINANCES**

[ORD. NO.  
2016-09](#)

An Ordinance of the City of Venice, Florida, Amending Ordinance No. 2008-10, Which Adopted a Pre-Annexation Agreement with SJMR Limited Partnership, a Florida Limited Partnership, and Sandra S. Hurt, as Trustee of the Carlton J. Hurt Trust and a Pre-Annexation Agreement with Caithness Construction, Inc., a Florida Corporation; by Adopting a First Amendment to Each Pre-Annexation Agreement, to Remove a Provision That Required Jackson Road be Improved and Extended From Border Road to Laurel Road as a County/Public Road; Providing for Conflicts Herewith; Providing for Severability; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only and stated no one signed up to speak.

**A motion was made by Council Member McKeon, seconded by Council Member Daniels, that Ordinance No. 2016-09 be approved on first reading and scheduled for final reading.**

Discussion followed regarding the impact on current negotiations with Neal Communities.

**The motion carried by the following vote:**

**Yes:** 5 - Mayor Holic, Mr. McKeon, Ms. Gates, Mr. Daniels and Mr. Cautero

**No:** 2 - Ms. Anderson and Mr. Fraize

Mr. Daniels left the meeting at 1:13 p.m and did not return.

### ***COUNCIL ACTION/DISCUSSION - Continued***

#### [16-2022](#)

Thoughts and Ideas for Charging for Use of City Property (Sidewalks) by Restaurants and Stores in the Downtown Area for Seating and Product Display (Holic)

**A motion was made by Council Member Cautero, seconded by Council Member McKeon, to postpone Item No. 16-2022 until the June 14, 2016 meeting. The motion carried by voice vote unanimously.**

**A motion was made by Council Member Cautero, seconded by Council Member Anderson, to postpone council reports until the June 14, 2016 meeting. The motion carried by voice vote unanimously.**

## **VII. CHARTER OFFICER REPORTS**

### City Attorney

This report was postponed until the June 14, 2016 meeting.

### City Clerk

This report was postponed until the June 14, 2016 meeting.

### City Manager

This report was postponed until the June 14, 2016 meeting.

## **VIII. COUNCIL REPORTS**

### ***Mayor Holic***

This report was postponed until the June 14, 2016 meeting.

### ***Council Member Fraize***

This report was postponed until the June 14, 2016 meeting.

**Council Member McKeon**

This report was postponed until the June 14, 2016 meeting.

**Council Member Daniels**

This report was postponed until the June 14, 2016 meeting.

**Council Member Gates**

This report was postponed until the June 14, 2016 meeting.

**Council Member Anderson**

This report was postponed until the June 14, 2016 meeting.

**Council Member Cautionero**

This report was postponed until the June 14, 2016 meeting.

**IX. AUDIENCE PARTICIPATION**

Jeff Boone, Boone Law Firm, stated that he would send his comments in an email.

**X. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 1:15 p.m.

ATTEST:

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Mayor - City of Venice

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City Clerk