



City of Venice

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

Meeting Minutes City Council

Tuesday, September 10, 2013

9:00 AM

Council Chambers

Broadcast

CALL TO ORDER

ROLL CALL

Present: 6 - Mayor John Holic, Vice Mayor Bob Daniels, Council Member Jim Bennett, Council Member Emilio Carlesimo, Council Member Jeanette Gates and Council Member David Sherman

Absent: 1 - Council Member Kit McKeon

Also Present:

City Attorney Dave Persson, City Clerk Lori Stelzer, City Manager Ed Lavallee, Recording Secretary Judy Gamel, and for certain items on the agenda: City Engineer Kathleen Weeden, Stormwater Engineer James Clinch, Building Official Vince LaPorta, Administrative Services Director Alan Bullock, Utilities Director Len Bramble, Information Technology Director Jeff Bolen, and Police Chief Tom McNulty.

INVOCATION AND PLEDGE OF ALLEGIANCE

The City Clerk offered the Invocation followed by the Pledge of Allegiance led by Vice Mayor Daniels.

I. RECOGNITION

[13-0129](#)

Hunger Action Month Proclamation, Presented to Aundria Castleberry, Director of Donor Relations and Laura Coyle, Director of Marketing, All Faiths Food Bank

This Proclamation was presented.

[13-0130](#)

Mayor's Pillar of the Community Award, Presented to Fran Valencic

This Recognition was presented.

II. AUDIENCE PARTICIPATION

(9:22) David Dunn-Rankin, city resident, commented on the outfall pollution problem and alternate resolutions.

Ms. Weeden and Mr. Clinch briefed council members on discussions with area residents, underground drainage systems, this not being a septic area, exposure to sunlight being the preferred method of bacteria removal, maintenance costs being

approximately \$9,000 per year, there being five existing open swale systems, how the system will look visually, walking the site with area residents to view the size of the system, alternative resolutions if this system fails, testing the system for one year, funding, erosion repair, beach sand draining quickly, and vegetation removal.

Alan Anderson, Homebuilders Association of Manatee-Sarasota Executive Vice President, commented on efforts to prevent unlicensed contracting.

Responding to Ms. Gates, Mr. LaPorta reviewed regulations relating to code enforcement and contractor licensing board fines.

Discussion followed regarding licensing board jurisdictions, owner/builder regulations, and homeowners hiring unlicensed contractors.

(9:54) Janice Collins, city resident, expressed concerns regarding combining the Venice Police Department and Sarasota County Sheriff's Department.

Discussion ensued regarding misinterpreting council comments, cost of law enforcement services, not eliminating the police department, consolidating the city and county police dispatch departments, providing optimum public safety, keeping up with technology costs, public safety pension plans, and maintaining the existing level of service.

Mayor Holic recognized City of North Port Commissioner Cheryl Cook.

III. CONSENT SECTION:

A. CITY CLERK

[13-0131](#)

Approval of Minutes - August 13, 2013 Regular Meeting

A motion was made by Vice Mayor Daniels, seconded by Council Member Carlesimo, that the Minutes be approved as corrected to remove City Attorney Bob Anderson and insert City Attorney Dave Persson as being in attendance. The motion carried by voice vote unanimously.

B. CITY MANAGER

Administrative Services

[13-0132](#)

Approve Property and Liability Insurance Coverage for Fiscal Year 2014

Mr. Bullock provided background information.

Kevin Cothron, Chief Operating Officer for Ascension Benefits and Insurance Solutions of Florida, reviewed coverage options, and David Lodwick, Director of Florida Municipal Insurance Trust Services (FMIT), provided an overview of FMIT services.

Discussion followed relating to the Florida League of Cities insurance program, self insurance, risks to the city, premium costs, self insurance being more cost effective, and the city having more control over claims.

A motion was made by Council Member Carlesimo, seconded by Council Member Daniels, to approve property and liability insurance coverage for fiscal year 2014 as presented by Mr. Bullock. The motion carried by voice vote unanimously.

Finance

[CON. NO. 05-2013](#)

Utilize a Cooperative Agreement with Aztek Communications of South Florida, Inc. through Collier County, Installation of Fiber Optic Services and Associated Services, \$642,296.50

Mr. Lavallee outlined the request.

Discussion followed regarding saving money with cooperative purchasing and this item being in the Utilities Department budget.

Responding to Mayor Holic, Mr. Bolen indicated there were no local contractors who could provide this type of work.

Discussion continued concerning providing local businesses the opportunity to bid on this project.

Mr. Persson stated the need to follow approved bidding practices.

A motion was made by Council Member Carlesimo, seconded by Council Member Bennett, that this contract be approved. The motion was approved with Council Member Daniels opposed.

Police

[13-0133](#)

Accept Funds from West Coast Inland Navigation District Waterway Development Program, Replace Old Boat Motors, \$25,500

Mr. Lavallee reviewed the request, noting the addition of verbiage relating to disposal of items.

Discussion followed regarding timeframe for equipment disposal, replacing equipment when warranty expires, stocking backup boat motors, providing a mechanic's report on equipment to be replaced, and utilizing funding from WCIND.

Mr. Bennett moved that the item be a resolution with the inclusion of Mr. Lavallee's language relating to removal and replacement of capital equipment items. Seconded by Mr. Sherman.

Discussion ensued regarding changing the approval request to a resolution.

Mr. Bennett withdrew the motion.

Responding to Mr. Sherman, Chief McNulty explained that funds from sale of used equipment went into a WCIND account and was utilized to offset the cost of new motors.

After the motion was made, council members discussed the disposition of funds from the sale of used motors and emergency response vehicles being held to a higher standard of performance.

A motion was made by Council Member Bennett, seconded Council Member

Sherman, to accept the \$25,000 from WCIND. The motion was approved with Council Member Gates and Council Member Daniels opposed.

Utilities

13-0134

Approve Work Assignment with Johnson Engineering, WA #1, Reverse Osmosis Water Treatment Plant Supply Well, in the amount of \$44,375.

Mr. Hochuli provided background information and answered questions relating to determining the best location and security at the well location.

A motion was made by Council Member Gates, seconded by Council Member Daniels, that this work assignment be approved. The motion carried on voice vote unanimously.

IV. UNFINISHED BUSINESS

A. COUNCIL ACTION

13-0135

Approve State Legislative Priorities

Council members discussed scrivener's errors and offered revisions.

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, that this Presentation with Action be approved. The motion carried by voice vote unanimously.

V. NEW BUSINESS

A. ORDINANCES

ORD. NO. 2013-31

Amending Chapter 90, Buildings and Building Regulations, Article III, Contractors, Division 2, Contractor Registration

Ms. Stelzer read the ordinance by title only and noted that council members received corrected verbiage relating to renewal fees.

Mr. Persson explained setting fees by ordinances and resolutions.

Mr. LaPorta answered questions concerning pricing in other municipalities, contractor registration, setting competitive fees, fees funding improvements to the permitting process, comparing revenues from old and new pricing, services provided by additional funding, fees being paid every two years, permitting costs, renewal rates, passing fees on to the homeowner, reviewing cost comparisons prior to the second reading of this ordinance, Longboat Key fees, and revenue sources.

Mr. Lavalley reiterated that staff would provide a comparative spreadsheet of other communities and total estimated revenue and operating budget of the Building Department to council members at the September 24, 2013 council meeting.

Ms. Stelzer indicated the second reading of the ordinance could be postponed if the financial information was not provided at the September 24, 2013 council meeting.

A motion was made by Vice Mayor Daniels, seconded by Council Member Carlesimo, that this Ordinance be approved on first reading. The motion carried by the following vote:

Yes: 5 - Mayor Holic, Vice Mayor Daniels, Council Member Bennett, Council Member Carlesimo and Council Member Sherman

No: 1 - Council Member Gates

[ORD. NO.
2013-32](#)

Amending Chapter 50, Personnel, Article III, Pensions and Retirement, Division 2, Municipal Firefighters' Pension Trust Fund; Section 50-81, Definitions; Section 50-84, Finances and Fund Management; and Section 50-95, Maximum Pension

Ms. Stelzer read the ordinance by title only.

Mr. Bennett clarified that Ordinance No. 2013-32 and Ordinance No. 2013-33 were both technical amendments which would bring the firefighter and police officer plans into compliance with federal tax regulations.

A motion was made by Council Member Carlesimo, seconded by Council Member Bennett, that this Ordinance be approved on first reading. The motion carried by the following vote:

Yes: 6 - Mayor Holic, Vice Mayor Daniels, Council Member Bennett, Council Member Carlesimo, Council Member Gates and Council Member Sherman

[ORD. NO.
2013-33](#)

Amending Chapter 50, Personnel, Article III, Pensions and Retirement, Division 3, Municipal Police Officers' Pension Trust Fund, Section 50-131, Definitions; Section 50-133, Board of Trustees; Section 50-134, Finances and Fund Management; Section 50-135, Contributions; Section 50-136, Benefit Amounts and Eligibility; Section 50-137, Pre-Retirement Death; Section 50-138, Disability; Section 50-139, Vesting; Section 50-140, Optional Forms of Benefits; Section 50-145, Maximum Pension; Section 50-146, Minimum Distribution of Benefits; Section 50-147, Miscellaneous Provisions; Section 50-148, Repeal or Termination of System; Section 50-149, Domestic Relations Orders; Retiree Directed Payments; Exemption from Execution, Non-Assignability; Section 50-151, Forfeiture of Pension; Section 50-154, Credit for Military Service Prior to Employment; Section 50-157, Direct Transfer of Eligible Rollover Distributions; Elimination of Mandatory Distributions; Section 50-158, Deferred Retirement Option Plan; Section 50-159, Prior Police Service; Adding Section 50-160, Reemployment After Retirement

Ms. Stelzer read the ordinance by title only.

Responding to Ms. Gates, Mr. Snyder commented on military service prior to retirement counting toward pension benefits.

Mr. Lavalley discussed the definition of cost to the plan.

A motion was made by Council Member Bennett, seconded by Council Member Sherman, that this Ordinance be approved on first reading. The motion carried by the following vote:

Yes: 6 - Mayor Holic, Vice Mayor Daniels, Council Member Bennett, Council Member Carlesimo, Council Member Gates and Council Member Sherman

B. PRESENTATIONS[13-0136](#)

Police Chief Tom McNulty: Department Update (10 min.)

Chief McNulty provided an overview of the department from January 1 through August 30, 2013 including total calls, the purchase of additional tasers, level of resistance, and staffing levels. Chief McNulty also noted the production of an annual report and strategic plan.

Responding to Mayor Holic, Chief McNulty indicated that backup materials concerning his update would be provided to council members, and commented on the new police department website, and sharing information with the Sarasota County Sheriff's Office.

This Presentation was heard and no action was taken.

C. RESOLUTIONS[RES. NO.](#)
[2013-23](#)

Amending Personnel Procedures and Rules, 2011 Edition, Section 1.3 Employment Process; 1.5 Employee Categories; 1.12 Classification and Compensation; 1.17 Resignation; 1.29 Family and Medical Leave Act (FMLA); 1.30 Notice of Privacy Practices; 2.1 Access to Group Health Insurance; 2.4 Sick Leave, 2.5 Discretionary Leave Issues, 2.20 Retirement

Ms. Stelzer read the resolution by title only.

Mr. Bullock provided background information relating to revisions including tobacco use, rates of pay for temporary employment, notice of resignation, Family and Medical Leave Act (FMLA), and Notice of Privacy Act.

Recess was taken from 12:06 p.m. until 12:10 p.m.

Mr. Bullock reviewed section 2.1 ACCESS TO GROUP HEALTH INSURANCE, and requested time to revise language relating to the mayor and council members paying 100 percent of their insurance costs.

Responding to Mayor Holic, Mr. Bullock indicated there was no language for utilization of leased employees.

Discussion ensued regarding resignation notification and city attorney benefits.

Mr. Daniels moved to revise Page 2, 1.5 EMPLOYEE CATEGORIES, Charter Officers, to delete "city attorney" from the first sentence. Seconded by Mr. Sherman. Motion carried on voice vote unanimously.

Mr. Bullock continued with an explanation of increases in employee health care contribution rates, sick leave accrual, discretionary leave, and retirement. Responding to Mr. Carlesimo, Mr. Bullock indicated the monthly premium contribution scales for employee health insurance would be reviewed in 2016 during the regularly scheduled plan review.

Council members discussed tabling Resolution No. 2013-23 until later in the meeting when Mr. Bullock provided revised verbiage concerning access to group health insurance.

Mr. Daniels moved that Resolution No. 2013-23 be tabled. Seconded by Ms. Gates. Motion carried on voice vote unanimously.

This Resolution was approved as amended

D. COUNCIL ACTION

[CON. NO. 06-2013](#)

Authorize 1% One-time Payment and 1% Base Pay Increase for Non-bargaining Employees

Mr. Bullock provided background information and noted a correction to the salary of the only part time non-bargaining employee on the attached spreadsheet.

Discussion followed regarding non-bargaining employees receiving increases.

A motion was made by Vice Mayor Daniels, seconded by Council Member Bennett, that this Contract be approved to authorize a 1% one-time payment and 1% base pay increase for non-bargaining employees as outlined by Mr. Bullock. The motion carried by voice vote unanimously.

VI. CHARTER OFFICER REPORTS

City Attorney

Mr. Persson advised he would provide a letter to council outlining the use of park impact fees.

Mr. Persson reported on the Asphalt Paving case, noting he would recommend a course of action once he had a clearer understanding of the judge's decision.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee reported that the Parks and Recreation Advisory Board appointed Joan Piper as the board liaison, as part of a stakeholders group to represent all interests affecting parks and assist in the development of a model park design as a component of the Master Parks Plan.

Mr. Lavallee also reported on efforts by staff to establish guidelines relating to segway use on city roadways, and coordinating software to track city vehicle maintenance histories.

VII. COUNCIL REPORTS

Council Member Sherman

Mr. Sherman had no report.

Council Member Bennett

Mr. Bennett reported on a forthcoming Community Alliance of Sarasota County Homeless Committee survey.

Council Member Daniels

Mr. Daniels had no report.

Council Member Carlesimo

Mr. Carlesimo had no report.

Council Member Gates

Ms. Gates reported on plans to tour a homeless shelter in Pinellas County and reminded council members of the 10:00 a.m. memorial service in Patriot's Park.

Mayor Holic**[13-0137](#)****Workshop on Municipal Service Taxing Unit (MSTU) Funding**

Mayor Holic requested council support for a workshop.

Council members discussed MSTU funding, whether or not county officials would support, and developing Community Redevelopment Agency (CRA) areas.

There was consensus to schedule an MSTU workshop.

This Board Member Report was heard and no action was taken.

[13-0138](#)**Workshop on Community Redevelopment Agency (CRA)**

There was consensus to schedule a CRA workshop.

[13-0140](#)**2014 Florida State Barbecue Championship**

Mayor Holic removed this item from his report.

[13-0139](#)**National Register of Historic Places, Ringling Brothers and Barnum & Bailey Winter Circus Quarters**

Mayor Holic reviewed the request.

Discussion followed regarding property restrictions, the circus arena building being torn down, the property belonging to the Federal Aviation Administration (FAA) or the city, maintaining positive relationships with the FAA, prior decisions relating to this property, involving the Historic Preservation Board, and receiving an update from Mr. LaPorta.

(12:57) Larry Ivey, city resident, provided background information on the National Register of Historic Places nomination process and pointed out this was a means of obtaining federal funding.

Council members discussed the pros and cons of this request.

Mr. Sherman stated he would place this item on the September 24, 2013 council meeting agenda.

This Board Member Report was heard and no action was taken.

Miscellaneous Discussion Items

Mayor Holic reviewed correspondence from a city resident concerning the water fountain at the Coach "L" Tennis Courts at Hecksher Park and requested that Mr. Lavallee assign staff to resolve the issue.

Mayor Holic reported on correspondence requesting bicycle lanes on Tarpon Center Drive.

Council members discussed procedures for responding to citizen requests.

RES. NO.
2013-23

Amending Personnel Procedures and Rules, 2011 Edition, Section 1.3 Employment Process; 1.5 Employee Categories; 1.12 Classification and Compensation; 1.17 Resignation; 1.29 Family and Medical Leave Act (FMLA); 1.30 Notice of Privacy Practices; 2.1 Access to Group Health Insurance; 2.4 Sick Leave, 2.5 Discretionary Leave Issues, 2.20 Retirement

Mayor Holic removed Resolution No. 2013-23 from the table.

Mr. Bullock provided recommended language relating to section 2.1 ACCESS TO GROUP HEALTH INSURANCE.

A motion was made by Council Member Carlesimo, seconded by Vice Mayor Daniels, that this Resolution be approved as amended on Page 2, 1.5 EMPLOYEE CATEGORIES, Charter Officers, to delete "city attorney" from the first sentence, and amended on Page 8, 2.1 ACCESS TO GROUP HEALTH INSURANCE, second paragraph, to add "The mayor and council members who elect to participate in the city's group health insurance program shall be required to pay the fully funded rate for the health insurance coverage without subsidized premiums from the city." The motion carried by the following vote:

Yes: 6 - Mayor Holic, Vice Mayor Daniels, Council Member Bennett, Council Member Carlesimo, Council Member Gates and Council Member Sherman

VIII. ADJOURNMENT

The meeting adjourned at 1:21 p.m.

ATTEST:

Mayor - City of Venice

City Clerk
