



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, July 10, 2018

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 Jeanette Gates, Vice Mayor Bob Daniels, Council Member Richard Cautero, Council Member Fred Fraize, Council Member Charles Newsom and Council Member Margaret Fiedler

### ALSO PRESENT

City Attorney Dave Persson, Assistant City Attorney Kelly Fernandez, City Manager Ed Lavallee, City Clerk Lori Stelzer, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Utilities Director Javier Vargas, Fire Chief Shawn Carvey, and Assistant City Manager Len Bramble.

### INVOCATION AND PLEDGE OF ALLEGIANCE

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

### I. RECOGNITION

Mayor Holic commented on the rescue operation of Thailand's youth soccer team, Keep Venice Beautiful (KVB), and the Suncoast Reef Rovers.

### II. AUDIENCE PARTICIPATION

No one signed up to speak.

### III. CONSENT SECTION:

A motion was made by Council Member Gates, seconded by Vice Mayor Daniels, to approve items in the Consent Agenda with the exception of Item No. 18-3410 and CON. NO. 127-2018. The motion carried unanimously by voice vote.

### A. CITY CLERK

[18-3409](#)

Minutes of the June 13, 2018, June 15, 2018, and June 25, 2018 Budget Workshops and June 26, 2018 Regular Meeting

These Minutes were approved on the Consent Agenda.

## **B. CITY MANAGER**

### Airport

[CON. NO.  
124-2018](#) Approval of Change Order No. 2 with Ajax Paving Industries of Florida, LLC and Decrease the Contract Sum by \$90,251.15 for Rehabilitation of Public Use Aircraft Parking Aprons

This Change Order was approved on the Consent Agenda.

### Information Technology

[CON. NO.  
125-2018](#) Authorize the Mayor to Execute Change Order No. 2 with Quality Enterprises in the Amount of \$28,824.60 for Conduit Installation during the Venice Avenue Construction Project in Order to Begin Pre-Stage Work on the FY 2019 Closed Circuit Television (CCTV) Project

This Change Order was approved on the Consent Agenda.

### Utilities

[CON. NO.  
126-2018](#) Approve Replacement of 201 Large Meters through a Piggyback Contract with Utility Metering Solutions in the Amount of \$63,600 for Fiscal Year 2018

This Item was approved on the Consent Agenda.

[18-3411](#) Authorize the Mayor to Execute Florida Department of Environmental Protection State Revolving Fund Loan DW580430 Amendment #1 which Increases the Loan by \$2,635,854 to Include Construction Related Costs for Water Main Replacement Phase 5 and East Gate Phase 1 Projects

This Item was approved on the Consent Agenda.

## **IV. ITEMS REMOVED FROM CONSENT**

### **CITY CLERK - Continued**

[18-3410](#) Set the Dates for the Public Hearings on Millage and Budget for 5:01 p.m. on Wednesday, September 5 and Tuesday, September 18, 2018 and Set the Preliminary Operating Millage Rate at 3.7000 Mills and the Debt Service Millage Rate at .6380 mills for Fiscal Year Ending 2019

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, to approve Item No. 18-3410.

Mayor Holic explained the motion and discussion followed regarding changes to the operating millage rate and debt service millage rate.

The motion carried unanimously by voice vote.

## ***CITY MANAGER - Continued***

### Utilities

[CON. NO. 127-2018](#) Approval for the Services of National Meter and Automation in the Amount of \$163,730.43 for Large Meter Purchases Phase 1 for Fiscal Year 2018

A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, to approve CON. NO. 127-2018.

In response to council questions, Mr. Vargas explained the meter reading system's ability to detect leaks.

The motion carried unanimously by voice vote.

## **V. PUBLIC HEARINGS**

### **A. ORDINANCES – FINAL READING**

[ORD. NO. 2018-19](#) An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 18-01RZ, Relating to Property in the City of Venice Located on East Venice Avenue Owned by the City of Venice, Rezoning the Property from Sarasota County Open Use Estate (OUE) District to City of Venice Government Use (GU) District and Retaining the City of Venice Venetian Gateway (VG) Overlay District Designation; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi Judicial)

Mayor Holic announced this is a quasi-judicial procedure.

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Mr. Persson questioned council on conflicts of interest and ex-parte communications since the last hearing. There were none.

No written communication was received and no one signed up to speak.

Mayor Holic closed the public hearing.

A motion was made by Vice Mayor Daniels, seconded by Council Member Fraize, that Ordinance No. 2018-19 be approved and adopted. The motion carried by the following vote:

**Yes:** 7 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

ORD. NO.  
2018-20

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 18-04RZ, Relating to Property in the City of Venice Located at 1401 Ringling Drive Owned by the City of Venice, Rezoning the Property from Commercial, Intensive (CI) and Government Use (GU) Districts to Commercial, General (CG) District and Retaining the City of Venice Venetian Urban Design (VUD) Overlay District Designation; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi Judicial)

Mayor Holic announced this is a quasi-judicial procedure.

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Mr. Persson questioned council on conflicts of interest and ex-parte communications since the last hearing. There were none.

No written communication was received and no one signed up to speak.

Mayor Holic closed the public hearing.

**A motion was made by Council Member Gates, seconded by Vice Mayor Daniels, that Ordinance No. 2018-20 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

## **VI. NEW BUSINESS**

### **A. RESOLUTIONS**

RES. NO.  
2018-13

A Resolution of the City of Venice, Florida, Expanding the Duties and Responsibilities of the Venice Fire Department (VFD) Stakeholder's Work Group; Authorizing the Re-Engagement of the Fire Fee Rate Consultant to Perform a New Fire Protection Assessment Study Using the Calls for Service Methodology (Square Footage Allocation); and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Vice Mayor Daniels, seconded by Council Member Newsom, that Resolution No. 2018-13 be approved and adopted.**

Discussion took place on the resolution, incremental revenue, city assets, general fund, lack of community support for a fire fee, resident feedback, calls for service methodology, funding the fire department, having an equitable fire fee, consolidation with Sarasota County, Stantec's study, the city's aging population, hybrid approach, study cost, property taxes, public

safety, fire department's budget, timing of council's decision, knowing how a fire fee works, scheduling a workshop, selling the Hamilton Building, surveying residents, fire fee revenue, utilizing approved .10 mil tax increase to fund fire department expenditures, and having a validated methodology.

Christopher Ferrante, city resident, spoke to opposition of the fire fee and city spending.

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

**Yes:** 3 - Vice Mayor Daniels, Mr. Fraize and Mr. Newsom

**No:** 4 - Mayor Holic, Ms. Gates, Mr. Cautero and Ms. Fiedler

**RES. NO.**  
**2018-14**

A Resolution of the City of Venice, Florida, Authorizing Execution of Utility Work by Highway Contractor Agreement (at Utility Expense), Utility Work by Highway Contractor Agreement (at FDOT Expense), and Three Party Escrow Agreement for the Adjustment, Change or Relocation of Certain Utilities Within the Right of Way Limits of State Road 45A (US 41 Bypass) from Center Road to Gulf Coast Boulevard; and Providing an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Vice Mayor Daniels, seconded by Council Member Fiedler, that Resolution No. 2018-14 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

***B. COUNCIL ACTION/DISCUSSION***

**18-3412**

Approve Third Amendment to City Attorney Agreement, Replacing David P. Persson with Kelly M. Fernandez

**A motion was made by Vice Mayor Daniels, seconded by Council Member Fiedler, to approve Item No. 18-3412.**

Council members and Mr. Lavalley thanked Mr. Persson for his service and recognized Ms. Fernandez.

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

Mr. Persson spoke regarding items removed from the agenda.

Recess was taken from 10:14 a.m. until 10:25 a.m.

**18-3417**

At the Request of the City Attorney this Item has been Removed from the Agenda. Consider Settlement and Release Agreement Between City of Venice and Neal Communities of SW FL, LLC, Border and Jacaranda Holdings, LLC, Windwood Neighborhood Association, INC., Pamlico Point Management, LLC, Border Road Investments, LLC, Myarra Property Joint

Ventures, LLC, and Woolridge Investments-Florida, LLC

At the request of the city attorney this item was removed from the agenda.

[18-3418](#)

At the Request of the City Attorney this Item has been Removed from the Agenda. Consider Three (3) Amendments to Pre-Annexation Agreement between the City of Venice and Neal Communities of SW FL, LLC, a Florida Limited Liability Company and Border and Jacaranda Holdings, LLC, a Florida Limited Liability Company (Recreational Property Management and Ritchey)

At the request of the city attorney this item was removed from the agenda.

[18-3419](#)

At the Request of the City Attorney this Item has been Removed from the Agenda. Consider Two (2) Amendments to Pre-Annexation Agreement between the City of Venice and Border Road Investments, LLC, a Florida Limited Liability Company, Myarra Property Joint Ventures, LLC, a Florida Limited Liability Company, Woolridge Investment-Florida, LLC, a Florida Limited Liability Company and Pamlico Point Management, LLC, a Florida Limited Liability Company (Gulf Coast Strategic Investments and Balsinger)

At the request of the city attorney this item was removed from the agenda.

[18-3420](#)

At the Request of the City Attorney this Item has been Removed from the Agenda. Consider Amendment to Pre-Annexation Agreement between the City of Venice and Pamlico Point Management, LLC, a Florida Limited Partnership (SJMR/Hurt)

At the request of the city attorney this item was removed from the agenda.

[18-3421](#)

At the Request of the City Attorney this Item has been Removed from the Agenda. Consider Amendment to Pre-Annexation Agreement between the City of Venice and Border and Jacaranda Holdings, LLC, a Florida Limited Liability Company (Van Pelt)

At the request of the city attorney this item was removed from the agenda.

## **C. ORDINANCES**

[ORD. NO.](#)  
[2018-22](#)

At the Request of the City Attorney this Item has been Removed from the Agenda. An Ordinance of the City of Venice, Florida, Amending Ordinance No. 2003-16, Which Adopted Pre-Annexation Agreements with Clarence R. Balsinger, Successor Trustee of the Estil L. Balsinger Revocable Trust U/A, Dated October 4, 1989 and Balsinger Properties, Inc., a Florida Corporation and E.E. Van Pelt and Joyce E. Van Pelt; by Adopting an Amendment to Each Pre-Annexation Agreement to Modify the Conditions and Obligations of the Pre-Annexation Agreements; Providing for Conflicts Herewith; Providing for Severability; and Providing for an Effective Date

At the request of the city attorney this item was removed from the agenda.

[ORD. NO.  
2018-23](#)

At the Request of the City Attorney this Item has been Removed from the Agenda. An Ordinance of the City of Venice, Florida, Amending Ordinance No. 2006-27, Which Adopted a Pre-Annexation Agreement with Gulf Coast Strategic Investments, Inc., a Florida Non-Profit Corporation; by Adopting an Amendment to the Pre-Annexation Agreement to Modify the Conditions and Obligations of the Pre-Annexation Agreement; Providing for Conflicts Herewith; Providing for Severability; and Providing for an Effective Date

At the request of the city attorney this item was removed from the agenda.

[ORD. NO.  
2018-24](#)

At the Request of the City Attorney this Item has been Removed from the Agenda. An Ordinance of the City of Venice, Florida, Amending Ordinance No. 2001-103, Which Adopted a Pre-Annexation Agreement with Recreational Property Management Corporation, a Florida Corporation; by Adopting an Amendment to the Pre-Annexation Agreement to Modify the Conditions and Obligations of the Pre-Annexation Agreement; Providing for Conflicts Herewith; Providing for Severability; and Providing for an Effective Date

At the request of the city attorney this item was removed from the agenda.

[ORD. NO.  
2018-25](#)

At the Request of the City Attorney this Item has been Removed from the Agenda. An Ordinance of the City of Venice, Florida, Amending Ordinance No. 2002-26, Which Adopted a Pre-Annexation Agreement with Recreational Property Management Corporation, a Florida Corporation; by Adopting an Amendment to the Pre-Annexation Agreement to Modify the Conditions and Obligations of the Pre-Annexation Agreement; Providing for Conflicts Herewith; Providing for Severability; and Providing for an Effective Date

At the request of the city attorney this item was removed from the agenda.

[ORD. NO.  
2018-26](#)

At the Request of the City Attorney this Item has been Removed from the Agenda. An Ordinance of the City of Venice, Florida, Amending Ordinance No. 2005-42, Which Adopted a Pre-Annexation Agreement with James L. Ritchey, as Trustee Under Deed Dated January 6, 2003 Recorded in Official Records as Instrument Number 2003003323; by Adopting an Amendment to the Pre-Annexation Agreement to Modify the Conditions and Obligations of the Pre-Annexation Agreement; Providing for Conflicts Herewith; Providing for Severability; and Providing for an Effective Date

At the request of the city attorney this item was removed from the agenda.

[ORD. NO.  
2018-27](#)

At the Request of the City Attorney this Item has been Removed from the Agenda. 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, Sandra S. Hurt, as Trustee of the Carlton J. Hurt Trust; by Adopting a Third Amendment to the Pre-Annexation Agreement to Modify the Conditions and Obligations of the Pre-Annexation Agreement; Providing for Conflicts Herewith; Providing for Severability; and Providing for an Effective Date

At the request of the city attorney this item was removed from the agenda.

[ORD. NO.  
2018-21](#)

An Ordinance of the City of Venice, Florida, Amending Chapter 26, Emergency Management, Article II, Civil Emergencies, by Changing the Name of the Article to Read State of Emergency and Amending Procedures in Time of a State of Emergency; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability and Providing for an Effective Date

Ms. Fernandez replaced Mr. Persson at the dais.

Ms. Stelzer read the ordinance by title only.

No one signed up to speak.

**A motion was made by Vice Mayor Daniels, seconded by Council Member Gates, that Ordinance No. 2018-21 be approved on first reading and scheduled for final reading. The motion carried by the following vote:**

**Yes:** 7 - Mayor Holic, Ms. Gates, Vice Mayor Daniels, Mr. Cautero, Mr. Fraize, Mr. Newsom and Ms. Fiedler

Chief Carvey responded to council questions regarding the city's Comprehensive Emergency Management Plan (CEMP).

Discussion continued on the CEMP and council members receiving a revised copy.

## VII. UNFINISHED BUSINESS

[18-3413](#)

Status of Storm Warning Device for City Sports Parks (Daniels)

Mr. Lavallee noted contacting the school district for information to connect to their infrastructure and is waiting for a response.

Discussion continued regarding lightning strikes, adding a storm warning device at Wellfield Park, Mr. Lavallee researching the use of park impact fees and other revenue sources, and partnering with Sarasota County schools.



**VIII. CHARTER OFFICER REPORTS**City Attorney

Ms. Fernandez thanked council for the opportunity to serve as the new city attorney.

City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Lavallee noted Greg Schneider is the new building official.

Mr. Bramble spoke to agreements with Florida Power and Light (FPL) regarding street lights and responded to council questions regarding cost to maintain lights.

Discussion followed on reviewing alternative bids, light poles, cost savings, and energy study.

**IX. COUNCIL REPORTS*****Council Member Fraize***

Mr. Fraize reported on the Architectural Review Board (ARB) meeting and commented on a Herald Tribune article regarding air pollution.

***Council Member Fiedler***

Ms. Fiedler reported on the Environmental Advisory Board (EAB) meeting to include Fleet Manager Travis Hout's presentation on idling times of city vehicles, and commented on Stantec's fire fee study cost.

***Council Member Daniels***

Mr. Daniels spoke regarding I-75 and Laurel Road landscaping.

***Council Member Gates***

Ms. Gates spoke on supporting downtown businesses during construction.

Mr. Daniels commented on City of Sarasota's agreement with the county on sports parks.

***Council Member Newsom***

Mr. Newsom reported on the Pinebrook Park public hearing and Farmer's Market, and commented on the water main repair job on Pinebrook Park

Road near Angelo's restaurant and street patching on East Venice Avenue crossing Business 41.

***Council Member Cautero***

Mr. Cautero reported attending the Coastal Advisory Committee meeting and city employee picnic, and read an email regarding Sarasota Memorial Hospital.

***Mayor Holic***

Mayor Holic spoke on the employee picnic and letter sent to Commissioner Nancy Detert on the community reinvestment area (CRA).

Recess was taken from 11:20 a.m. until 1:00 p.m.

***D. PRESENTATIONS AND AUDIENCE PARTICIPATION WILL BE HEARD AT 1:00 P.M. - AGENDA ITEMS MAY BE DELAYED OR MOVED FORWARD TO ACCOMMODATE PRESENTATIONS***

Jerry Miller, DAUS Capital, provided an update on the proposed Sheraton Hotel project and noted support from local businesses.

[18-3414](#)

Danielle Tanaka, Battle of the Bridges: Request for City Sponsorship and Boat Naming (10 min.)

Danielle Tanaka, parent volunteer with Sarasota Scullers, spoke regarding rowing.

Julia Stone, Venice High School rowing athlete, spoke on rowing and head racing.

Samantha Tanaka, Venice High School rowing athlete, spoke to the race course and attendance.

Danielle Tanaka spoke regarding closing the waterway, alternate routes, spectators, and event safety.

Discussion took place regarding special event application cost, boat naming, sponsorship, and boat entry fee.

Mr. Bramble commented on event costs and monitoring the waterway.

Discussion followed on average number of event attendees and the city's marketing account.

**A motion was made by Council Member Gates, seconded by Vice Mayor Daniels, to approve city sponsorship for Battle of the Bridges in the amount of \$2500 to include advertisement and boat naming, to be determined.**

Discussion followed on first time special event sponsorship process.

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

[18-3415](#)

Todd Sweet, Principal, and Karl Bernhard, Project Manager, Sweet Sparkman: Fire Station 1 Replacement Costs and Space Analysis of City Hall Outparcel Area and Request Approval to Proceed with Solicitation of Architect Services

Karl Bernhard, Sweet Sparkman, provided a presentation and spoke on scope of work, site planning approach, existing conditions, proposed site plan, concept rendering, proposed floor plans, and cost estimate overview.

Discussion followed on the building's roof, square footage rate, parking area, building elevation, growth, access to restrooms, Old Betsy fire truck, and project costs and financing.

Mr. Lavallee spoke to project costs.

Discussion ensued on generator grant, impact fees, additional revenue sources, square footage increase, additional space for the building department, and parking lot.

**A motion was made by Vice Mayor Daniels, seconded by Council Member Fiedler, to proceed with solicitation of architect services for fire station no. 1.**

Discussion took place regarding tree removal and including bike racks.

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

[18-3318](#)

Dennis Ragosta, Government Affairs Regional Manager, Southwest Florida Water Management District: Solving the Water Puzzle (10 min.)

Dennis Ragosta, Southwest Florida Water Management District (SWFWMD), provided a presentation and spoke to Florida water management districts, areas of responsibility, regulations, planning, data collection, land acquisition management, environmental restoration, Surface Water Improvement and Management (SWIM) projects, district water control structures, flood protection, funding priorities, cooperative funding, diversification, and shared interests.

Discussion took place regarding Mr. Ragosta meeting with staff during the land development regulation (LDR) rewrite process, frequency of district meetings, Lake Okeechobee and algae concerns, reclaim water injection well monitoring, and having enough water source to sustain growth.

Recess was taken from 2:32 p.m. until 2:39 p.m.

[18-3416](#)

Pat Neal, Neal Communities: Proposed Actions Dealing with Smoke from Construction Land Clearing (10 min.)

Pat Neal, Neal Communities, spoke to proposed actions dealing with smoke from construction land clearing, and requested to be involved in the burn ordinance process.

Discussion followed on resident feedback to include burning at night.

Jeffery Boone, Boone Law Firm, commented on the Florida Administrative Code, regulating burning, and the city enacting an ordinance.

Discussion ensued on the city attorney researching open burning in other jurisdictions, burn box, burning at night, and posting open burn permit for public view.

Mr. Neal commented on the burn box.

Dick Longo, 295 Marsh Creek Road, suggested developer regulations on open burning and having objective reviews on mass burnings.

#### **X. AUDIENCE PARTICIPATION**

Bob Rigby spoke on having a patent to cure red tide.

#### **XI. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 3:13 p.m.

ATTEST:

\_\_\_\_\_  
Mayor - City of Venice

\_\_\_\_\_  
City Clerk