



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, October 22, 2019

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, Council Member Bob Daniels, Vice Mayor Richard Cautero, Council Member Charles Newsom, Council Member Margaret Fiedler and Council Member Helen Moore

### ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, Assistant City Manager Len Bramble, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Development Services Director Jeff Shrum, Planning Manager Roger Clark, and Director of Human Resources Alan Bullock.

### INVOCATION AND PLEDGE OF ALLEGIANCE

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

### I. RECOGNITION

19-4204 Proclaim October 22, 2019 as "Phelan-McDermid Syndrome Awareness Day", Presented to Susan Lomas, President, Phelan-McDermid Syndrome Foundation

**Mayor Holic presented this proclamation to Susan Lomas.**

19-4205 Proclaim October 20-26, 2019 as "National Business Women's Week", Presented to Syd Gibson, President, Business and Professional Women's Club of Englewood/Venice

**Ms. Gates presented this proclamation to Syd Gibson.**

19-4206 Proclaim the Month of October 2019 as "Domestic Violence Awareness Month", Presented to Cherie Heasley, Communications Manager, Safe Place And Rape Crisis Center, Inc. (SPARCC)

**Vice Mayor Cautero presented this proclamation to Cherie Heasley.**

19-4203

Mayor's Pillar of the Community Award, Presented to Bill Willson

Mayor Holic presented this award to Bill Willson.

## II. PRESENTATION

19-4216

Charles Hines, Chair, Sarasota Board of County Commissioners (10 min.)

Charles Hines, Chair, Sarasota Board of County Commissioners, spoke regarding water quality, the Water Infrastructure Finance and Innovation Act (WIFIA) program, identifying cause for Venice and Brohard Beach closures, jail capacity and preventing recidivism, homelessness and offering services in south county, River Road construction, redistricting, developing an ordinance on vaping, workforce housing, airport hotel, and Legacy Trail.

Discussion followed regarding future of Sarasota County Area Transit (SCAT) to include evaluating and increasing routes, developing community centers as storm shelters, hardening of Taylor Ranch School, making the vaping ordinance county-wide, redistricting, outfall monitoring, the county monitoring water discharged from the county to the city, Curry and Hatchett Creeks, affordable housing, county impact fees, State Housing Initiatives Partnership (SHIP) and Community Development Block Grant (CDBG) funding eligibility, and beach closures due to water quality.

## III. AUDIENCE PARTICIPATION will be limited to one hour.

Jeffery Boone, city resident, thanked Commissioner Hines for appearing and commented on young people who contribute to the community.

Rob Merlino, 252 Glen Oak Road, Venice, spoke to proposed fishing ordinance at the pier, shark attacks in Venice, and state law.

T.R. Larsen, 708 Tamiami Trail South #209, noted agreement with Mr. Merlino and read a personal statement regarding shark fishing at the pier.

Recess was taken at 10:20 a.m. until 10:30 a.m.

## IV. CONSENT SECTION:

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

### A. MAYOR

19-4207

Affirm the Reelection of Richard Lanigan as the 5th Trustee to the Fire Pension Board of Trustees to Serve a term from November 7, 2019 Until November 7, 2023

This Item was approved on the Consent Agenda.

- 19-4219 Reappoint Fran Valencic to the Public Art Advisory Board to Serve a Term From November 1, 2019 Until October 31, 2022

This Reappointment was approved on the Consent Agenda.

## **B. CITY CLERK**

- 19-4208 Minutes of the September 24, 2019 and October 8, 2019 Meetings

These Minutes were approved on the Consent Agenda.

## **C. CITY ATTORNEY**

- 19-4218 Approve Retaining Special Magistrate Scott Steady, Esq. of Burr Forman for GCCF - FLUEDRA Petition

This Item was approved on the Consent Agenda.

## **D. CITY MANAGER**

### Engineering

- 19-22FP Accept the Declaration of Maintenance Responsibilities and Subdivision Bond in the Amounts of \$11,633,559.38 from Pamlico Point Management, LLC, and Authorize the Mayor, City Attorney and City Engineer to Sign Vicenza Phase I Final Plat

This Item was approved on the Consent Agenda.

### Utilities

- 19-4209 Approval of Contract with Giannetti Contracting Corporation in the Amount of \$3,346,844 for the Venetian Parkway Water and Sanitary Sewer Replacement Project

This Contract was approved on the Consent Agenda.

- 19-4210 Approval of Agreement for Consultant Services with Black and Veatch to Provide Consulting Services to Design, Permit and Oversee the Construction of the Water Booster Station Project for the Estimated Price not to Exceed \$2,031,661

This Agreement was approved on the Consent Agenda.

- 19-4211 Approval of Agreement for Consultant Services with Black and Veatch to Provide Professional Services for Initial Pilot Testing of the Second Stage RO Units Project for the Estimated Price Not to Exceed \$359,228

This Agreement was approved on the Consent Agenda.

19-4212 Approval of Work Assignment 2016-04 with Black & Veatch Corporation in the Amount of \$380,764 for the Water Treatment Plant Switchgear Replacement and Generator Addition

This Work Assignment was approved on the Consent Agenda.

19-4213 Approval to Continue the Cooperative Purchase Agreement Between Ferguson Waterworks and Volusia County to Supply Inventory Repair Parts, Lift Station Repair Parts and Dolomitic Limestone Chips in the Amount of \$164,000 for a Total Fiscal Year 2020 Expenditures Expected in the Amount of \$364,000

This Item was approved on the Consent Agenda.

## V. ITEMS REMOVED FROM CONSENT

There were none.

## VI. PUBLIC HEARINGS

### A. ORDINANCES - FIRST READING

ORD. NO. An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, for the Property Located at 498 Substation Road and Owned by  
2019-34 John N. Bailey III, TTEE, Pursuant to Zoning Map Amendment Petition No. 19-03RZ, from Sarasota County Residential, Multi-Family 2 (RMF-2) to City of Venice Residential, Multi-Family 4 (RMF-4) District; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date

Mayor Holic announced this is a quasi-judicial procedure.

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

Ms. Fernandez questioned council members on conflicts of interest and ex-parte communications. There were none.

No written communication was received.

Council waived staff's and the applicant's presentation.

Ronald Siegrist, 490 Hauser Lane, being duly sworn, spoke to support of the ordinance.

Mayor Holic closed the public hearing.

**A motion was made by Council Member Newsom, seconded by Council Member Daniels, that Ordinance No. 2019-34 be approved on first reading and scheduled for final reading.**

Discussion followed regarding the comprehensive plan, affordable housing, private road, property owners giving up the right-of-way, widening Substation Road to city standards, and property rezone.

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

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

## ***B. ORDINANCES – FINAL READING***

### ORD. NO. 2019-26

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 17-16RZ, Relating to Property in the City of Venice Located at the Southeast Corner of N. Auburn Road and Border Road Owned by SSD Land Holdings, LLC, Rezoning the Property from Sarasota County Open Use Estate (OUE) to City of Venice Planned Unit Development (PUD); 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 and reopened the public hearing.

Ms. Fernandez questioned council members on conflicts of interest and ex-parte communications since the last hearing. There were none.

Ms. Stelzer noted written communications were included in the agenda packet.

Robert Lincoln, representing applicant, being duly sworn, spoke to updated version of stipulations, stipulations not agreed upon, Windham Development's and Fox Lea Farm's proposed water monitoring plan, construction of southern berm and wall, prohibiting pools on the southernmost lots, compatibility buffer, and project design.

Discussion followed regarding the water monitoring plan, provisions to control dewatering impacts, installing industrial pumps on site, project timeline, Sarasota County's approval of intersection improvements, pumping water into Fox Lea Farm's pond, Southwest Florida Water Management District (SWFWMD) permitting, reducing number of lots in the southernmost part of the property, 85 lot density, amenity center, parties reaching an agreement on the water monitoring plan, definition of "adverse impact", driveway setback modifications for corner lots, road width and sidewalks, speed limit requirement within the development, and Border

Road and Fox Lea Drive sidewalk waivers.

Dick Longo, 295 Marsh Creek Road, being duly sworn, spoke to proposed development plan, meeting with Fox Lea Farm and Windham Development, enforcing outdoor speakers, transportation improvements, proposed water monitoring plan, Curry Creek, landscape buffer and fencing, amenity area, Murphy Oaks' revised binding master plan (BMP) narrative, and density.

Recess was taken at 11:48 a.m. until 1:00 p.m.

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

19-4217 Sheila Miller, Vice President of Philanthropy, Child Protection Center, Inc.: Child Protection Center (10 min.)

Mayor Holic left the dais at 1:02 p.m.

Sheila Miller, Vice President of Philanthropy, Child Protection Center (CPC), spoke regarding child abuse, the CPC, volunteers, and presented a brief video.

Recess was taken at 1:10 p.m. until 1:12 p.m.

Mayor Holic returned to the dais at 1:12 p.m.

***ORDINANCES – FINAL READING Continued***

ORD. NO. An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 17-16RZ, Relating to Property in the City of Venice Located at the Southeast Corner of N. Auburn Road and Border Road Owned by SSD Land Holdings, LLC, Rezoning the Property from Sarasota County Open Use Estate (OUE) to City of Venice Planned Unit Development (PUD); Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi Judicial)

2019-26

Mayor Holic reopened the public hearing.

Jeffery Boone, representing Fox Lea Farm, being duly sworn, commented on rezone approval, Fox Lea Farm's position, safeguards and stipulations.

Laurie Birnbach, Fox Lea Farm, being duly sworn, provided a presentation and spoke to letters sent to Windham Development, original requests from Fox Lea Farm and responses from Windham Development, new request for screening and water monitoring, communication between parties, and

southern property buffer.

Kim Farrell, Fox Lea Farm, being duly sworn, spoke regarding compatibility buffer.

Mr. Boone spoke to suggested water pump, agreed stipulations, appropriate development on the property, Fox Lea Farm's land use, water monitoring plan, and dewatering impacts to Fox Lea Farm.

David Brown, Progressive Water Resources, being duly sworn, provided a presentation on Fox Lea Farm's water table monitoring and mitigation plan and spoke to starting conditions prior to dewatering, active dewatering condition during construction and predicted water table drawdown, compliance levels, adverse impacts to include avoidance and mitigation, stipulation requesting action when the water table reaches 1 foot or 0.5 foot above the compliance level, and responded to council questions regarding contact with Mike Alfieri, Water Resource Associates, regarding the water monitoring plan, Windham Development's versus Fox Lea Farm's proposed water monitoring plan, whether season affects dewatering, water table data and dewatering timeframe on proposed development, dewatering affecting surrounding area ponds, and pumping water into Fox Lea Farm's pond.

Discussion ensued regarding dewatering delaying construction, Windham Development implementing Fox Lea Farm's water monitoring plan, warning system, allowable measurement to resume dewatering, number of stipulations associated with the rezone, retention pond location, sound carrying over water, and timeframe to dewater pond one.

Mr. Boone spoke to buffer, density, Fox Lea Farm's stipulations, stipulations not agreed upon, lot sizes at Windwood and The Woods, and compatibility Policy 8.2 in the comprehensive plan.

Discussion continued on compatibility with Sawgrass and Waterford communities and Fox Lea Farm's request to maintain compatibility buffer.

Mr. Boone stated Fox Lea Farm takes no position on lot sizes and responded to council questions regarding agreeable buffer size and testimony from the Waterford community on Murphy Oaks' lot sizes.

Mr. Shrum, being duly sworn, spoke regarding compatibility, adding requirements to a zoning approval, including all changes in the BMP, and requested council add a stipulation requiring staff's review of revised layout prior to moving forward to the preliminary plat.

Ms. Fernandez noted revised BMP has not been reviewed by the Technical Review Committee (TRC).

Recess was taken at 2:43 p.m. until 2:52 p.m.

Mr. Longo spoke on supporting Fox Lea Farm, buffer, density and lot sizes affecting Sawgrass property values, Windham accepting Fox Lea Farm's proposal, and responding to violations.

Mr. Boone spoke to concerns with proposed development plan, Mr. Brown's expert testimony on the water monitoring plan, and the rebuttal process.

Mr. Lincoln spoke regarding mediation, parties working in good faith, water monitoring plan, Windham Development accepting Fox Lea Farm's proposed water monitoring plan, and compatibility buffer.

Herb Lawson, applicant, being duly sworn, commented on protections for Fox Lea Farm, 85 lot density, Fox Lea Farm's water monitoring plan, berm and wall footage, landscaping, natural vegetation buffer, distance between lot line and pond, pool prohibition, and costs associated with the development.

Mr. Lincoln spoke to sound concerns and project design.

Discussion followed on buffer, retention pond, and hydraulic barrier.

Mayor Holic closed the public hearing.

**A motion was made by Council Member Daniels, seconded by Council Member Newsom, that based on the evidence in the record, that city council deny Zoning Map Amendment Petition No. 17-16RZ on the basis that the petition is not consistent with the comprehensive plan and is not in compliance with the land development code because it is not compatible.**

Discussion followed regarding sound concerns, compatibility, dewatering process, timeframe to build wall and berm, turn lane intersection improvements on Auburn Road and Edmondson Road, construction timeframe and impacts to Fox Lea Farm, regulating stipulations, property development, stipulations not agreed upon, emotions versus facts, Fox Lea Farm protections, and amount of proposed stipulations.

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

**Yes:** 6 - Mayor Holic, Ms. Gates, Mr. Daniels, Vice Mayor Cautero, Mr. Newsom and Ms. Moore

**No:** 1 - Ms. Fiedler

**A motion was made by Council Member Newsom, seconded by Vice Mayor**



Cautero, to extend the meeting end time to 6:00 p.m. The motion carried unanimously by voice vote.

ORD. NO.  
2019-35

An Ordinance of the City of Venice, Florida, Amending the Code of Ordinances, Chapter 54, Solid Waste, Article VI, Rates and Charges; Billing Procedure, Section 54-161, Fee Schedule; Deposits; Providing for Repeal of all Ordinances in Conflict Herewith; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

Mayor Holic opened the public hearing.

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 Council Member Fiedler, that Ordinance No. 2019-35 be approved and adopted. The motion carried by the following vote:**

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

## **VII. NEW BUSINESS**

### **A. ORDINANCES**

ORD. NO.  
2019-37

An Ordinance of the City of Venice, Florida, Amending Chapter 46, Parks and Recreation, Article III, Conduct in Parks, Section 46-64, Venice Fishing Pier; Adding Section 46-115, Fishing Near Swimmers; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

Ms. Fernandez noted shark fishing language was pulled from Florida Fish and Wildlife Conservation Commission (FWC)'s regulations, communication with FWC's general counsel's office, concern with addition to Section 46-115 prioritizing swimmers over fishing, and prohibition in the city's regulations prohibiting swimming within 150 feet from the pier.

Discussion followed regarding shark incidents, keeping swimmers away from fishermen, posting signs prohibiting swimming areas, banning shark fishing from the pier, and shark fishing near active swimming areas.

Mayor Holic suggested revisions to (1)(a) and (c)(iii) under Section 46-64 of the ordinance.

**There was consensus to revise (1)(a.) under Section 46-64 of the ordinance to**

read "Use more than one fishing lines at one time" and (c)(iii) to read "Deploying bait by any means, including casting, unless bait is attached to a hook for which the maximum distance measured between two points does not exceed 1.5 inches, when measured at the widest dimension".

Mike Pachota, Sharky's Restaurant, commented on FWC's regulations being adequate and local enforcement at the pier.

Discussion ensued on having a deterrent, enforcement, and protecting swimmers and fishermen.

**A motion was made by Council Member Daniels, seconded by Council Member Newsom, that Ordinance No. 2019-37 be approved on first reading and scheduled for final reading as amended. The motion carried by the following vote:**

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

Recess was taken at 4:10 p.m. until 4:18 p.m.

Discussion took place on public works placing buoy markers on both sides of the pier by January 1, 2020 and staff researching item and reporting back to council at the next meeting.

**There was consensus for staff to research placing buoy markers on both sides of the pier and report back to council at the November 12, 2019 meeting.**

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

19-4224 Approve Developer's Agreement between Windham Development, Inc., SSD Land Holdings, LLC and the City of Venice Relative to Murphy Oaks  
  
This item was removed due to denial of Zoning Map Amendment Petition No. 17-16RZ.

19-4215 Approve Developer's Agreement between Rustic Road Partners, LLC and the City of Venice

**A motion was made by Council Member Daniels, seconded by Council Member Gates, to approve Item No. 19-4215.**

Discussion took place regarding the developer seeking mobility and impact fee credits, and paying for the road infrastructure with no cost to the city.

Ms. Fernandez advised this is a standard provision in the city's developer agreement and the developer has a right to seek mobility fee credits.

Mr. Boone, representing applicant, noted developer will not be seeking mobility fee credits for construction of Rustic Road and language needs to remain in the agreement.

Discussion continued on county approval of credits.

The motion carried unanimously by voice vote.

19-4223

Consider Rescheduling November 26, 2019 Regular City Council Meeting to November 19, 2019 Due to the Thanksgiving Holiday (Holic)

Discussion took place on rescheduling the November 26, 2019 meeting to November 19, 2019.

Ms. Stelzer noted there is a planning commission meeting on November 19, the council meeting will need to conclude by noon, and the certification of elections will be moved to an earlier time.

**A motion was made by Council Member Daniels, seconded by Vice Mayor Caution, to reschedule the November 26, 2019 regular city council meeting to November 19, 2019 with a 9:00 a.m. start time. The motion carried unanimously by voice vote.**

19-4214

Discuss Revising the Current Sick Leave Policy for City Employees (Holic)

Discussion took place on the employee sick leave policy, incentive to bank sick leave, donating sick leave to employees, school teachers, employee benefits, discussing item at strategic planning, and disability insurance.

Mr. Bullock spoke to features of the city's sick leave policy and noted requesting information from other Florida public sector entities to compare the city to the market.

**There was consensus for Mr. Bullock to present information to council on employee sick leave policies from other Florida public entities to include employee retention rate and statistics.**

19-4220

Blessing Boxes Venice High School Project (Holic)

Discussion took place regarding the project, boxes being vandalized, box location, council members volunteering, and Mayor Holic contacting the program educator to request that the mayor or his designee be allowed to volunteer in the project.

**There was consensus for Mayor Holic to contact Jackie Henson-Dacey, program educator, and request that the mayor or his designee be allowed to volunteer in the project.**

## VIII. CHARTER OFFICER REPORTS

### City Attorney

Ms. Fernandez had no report.

### City Clerk

Ms. Stelzer had no report.

City Manager

Mr. Bramble spoke on parking in front of city hall, implementation of phase one security measures at city hall, and noted the utilities department is coordinating with Synagro Technologies, Inc. to make a presentation on biosolids to council.

**IX. COUNCIL REPORTS*****Council Member Daniels***

Mr. Daniels spoke to Metropolitan Planning Organization (MPO)'s proposed five year plan.

***Council Member Fiedler***

Ms. Fiedler had no report.

Mr. Daniels left the meeting at 4:59 p.m. and did not return.

***Council Member Gates***

Ms. Gates requested enforcement of prohibiting bikes on downtown sidewalks, enforcement of the noise ordinance from downtown to the jetty, and commented on limiting hours for semi trucks in downtown.

***Council Member Moore***

Ms. Moore reported attending the Julia Cousins Laning and Dale Laning Archives and Research Center ribbon cutting.

***Council Member Newsom***

Mr. Newsom reported attending the planning commission and Economic Development Corporation (EDC) meetings.

***Council Member Cautero***

Vice Mayor Cautero advised he may miss the November 12, 2019 meeting due to the birth of his grandson.

***Mayor Holic***

Mayor Holic reported on attending PGT Innovations' new iLab ribbon cutting, monthly bike ride with the mayor, Julia Cousins Laning and Dale Laning Archives and Research Center ribbon cutting, Council of Governments (COG) meeting, and suggested staff contact the City of North Port to inquire on their dual stream recycling system and inviting the new mayor to attend COG.

Ms. Moore commented on the new interactive kaleidoscope downtown.

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

There was none.

#### **XI. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 5:16 p.m.

ATTEST:

  
Mayor - City of Venice

  
City Clerk