



# City of Venice

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

## Meeting Minutes City Council

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Tuesday, January 14, 2020

9:00 AM

Council Chambers

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### CALL TO ORDER

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

### ROLL CALL

**Present:** 7 - Mayor Ron Feinsod, Council Member Richard Cautero, Vice Mayor Charles Newsom, Dr. Margaret Fiedler, Council Member Helen Moore, Council Member Nick Pachota and Dr. Joseph Neunder

### ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Lori Stelzer, City Manager Ed Lavallee, Recording Secretary Mercedes Barcia, and for certain items on the agenda: Fire Chief Shawn Carvey, Police Chief Tom Mattmuller, Development Services Director Jeff Shrum, Planning Manager Roger Clark, and Information Technology Director Dr. Christophe St. Luce.

### INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Feinsod requested a moment of silence in memory of Dan Boone.

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

### I. RECOGNITION

19-4314 Swearing In: Paramedics Harold Bittner, Bradley Vaught, Barry Spinweber, Donal Morrell, Ruth Ann Unruh, Paul Lauffer, and Samantha Lobsinger, Venice Fire Department

**Mayor Feinsod swore in Paramedics Harold Bittner, Bradley Vaught, Barry Spinweber, Donal Morrell, Ruth Ann Unruh, Paul Lauffer, and Samantha Lobsinger.**

19-4316 Swearing In: Lieutenant Brett Wasserman, Venice Fire Department

**Mayor Feinsod swore in Lieutenant Brett Wasserman.**

19-4315 Swearing In: Sergeant Louis White, Venice Police Department

**Mayor Feinsod swore in Sergeant Louis White.**

19-4317 Swearing In: Lieutenant Robert Goodson, Venice Police Department

Mayor Feinsod swore in Lieutenant Rob Goodson.

20-4352 2019 Employee of the Year Award: Sergeant Rob Goodson, Venice Police Department

Mr. Lavallee presented this award to Lieutenant Goodson.

## **II. AUDIENCE PARTICIPATION will be limited to one hour.**

Kim Eudy, 920 Cooper Street, spoke to Americans with Disabilities Act (ADA) access mats, mobi-mats at Siesta Key, and requested the term mobi-mat be removed from the locally funded agreement.

## **III. CONSENT SECTION:**

A motion was made by Council Member Cautero, seconded by Dr. Fiedler, to approve items in the Consent Agenda with the exception of Item No. 19-4321. The motion carried unanimously by voice vote.

### **A. MAYOR**

19-4318 Appoint Patricia Shreeve to the Historic Preservation Board to Serve a Term from January 14, 2020 until January 31, 2023

This appointment was approved on the Consent Agenda.

19-4319 Appoint Victor Manning to the Fire Pension Board of Trustees to Serve a Term from January 14, 2020 until January 31, 2024

This appointment was approved on the Consent Agenda.

### **B. CITY CLERK**

19-4320 Minutes of the December 10, 2019 Regular Meeting

These minutes were approved on the Consent Agenda.

### **D. CITY MANAGER**

19-4322 Approve Joinder to the Second Amended and Restated Interlocal Agreement Relating to the Creation of the Florida Resiliency and Energy District (FRED)

This item was approved on the Consent Agenda.

### Engineering

19-4323 Award of Contract for Construction Engineering and Inspection (CEI) Services for the Capri Isles Boulevard Bridge Replacement Project in the Amount of \$299,108.72

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

- 19-4324 Authorize the Mayor to Execute the Standard Grant Agreement Between the State of Florida Department of Environmental Protection and City of Venice for the City of Venice - Stormwater Outfall Monitoring Phase I Project (LPA0051) for \$100,000

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

- 19-4325 Authorize the Mayor to Execute a Temporary Construction Access Easement Agreement for Lot 50 with Timothy L. Palmer, Revocable Trust, to Allow the City to Complete Repairs on a Stormwater Pipe that Drains Hatchett Creek Road

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

- 19-4326 Authorize the Mayor to Execute a Temporary Construction Access Easement Agreement for Lot 51 with Longo-Venice, LLC, to Allow the City to Complete Repairs on a Stormwater Pipe that Drains Hatchett Creek Road

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

- 19-4327 Authorize the Mayor to Execute a Drainage Easement Agreement for Lot 50 with Timothy L. Palmer, Revocable Trust, to Allow the City for Future Maintenance of the Stormwater Pipe that Drains Hatchett Creek Road

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

- 19-4328 Authorize the Mayor to Execute a Drainage Easement Agreement for Lot 51 with Longo-Venice, LLC, to Allow the City to Complete Maintenance on a Stormwater Pipe that Drains Hatchett Creek Road

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

- 20-4353 Authorize the Mayor to Execute Change Order #3 in the Amount of \$408,072.98 to Ajax Paving Industries of Florida, LLC, for Added Roads to the Venice Resurfacing Project - Phase 2 Project

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

## Fire

- 19-4329 Approve Grant Agreement Between Sarasota County and the City of Venice for the West Coast Inland Navigation District (WCIND) Waterway Development Program Project Agreement for the Fire Department Fire Rescue Boat 51 Electrical Equipment Upgrade, Project No. S-380, not to Exceed \$12,500

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

Police

- 19-4330 Approve Grant Agreement Between Sarasota County and the City of Venice for the West Coast Inland Navigation District (WCIND) Waterway Development Program Project Agreement for the Police Marine Patrol, Project No. S-399, not to Exceed \$108,300

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

- 19-4331 Approve Purchase of Audio Visual and Data Systems for the City of Venice Public Safety Facility from Audio Visual Partners in the Amount of \$332,063.24

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

Public Works

- 19-4332 Approve Grant Agreement Between Sarasota County and the City of Venice for the West Coast Inland Navigation District (WCIND) Waterway Development Program Project Agreement for the Higel Marine Park Boat Dock Repairs Project No. S-381, not to Exceed \$7,500

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

- 19-4333 Approve Purchase of Solid Waste/Recycling Vehicles from Rush Truck in the Amount of \$878,455.66 and Kenworth of Central Florida in the Amount of \$350,573.00

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

Utilities

- 19-4334 Approve Amendment No. 1 to Work Assignment No. 3 with Fawley Bryant Architects, Inc. in the Amount of \$28,800.00 for a Total of \$354,730.00 to Provide Administrative Services for the Water Treatment Plant Building Improvements Project

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

- 19-4335 Approve Work Assignment 2016-04 with Ardurra Group, Inc. (FKA King Engineering, Inc.) in the Amount of \$198,624.00 to Provide Design and Related Services for the Capri Isles Water Services Replacement Project

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

- 19-4336 Approve Work Assignment 2016-11 with Hazen and Sawyer, PC in the Amount of \$180,000.00 to Provide Permitting Assistance and Deep Injection Well Evaluation in Reference to the Industrial Wastewater Facility Permit

This item was approved on the Consent Agenda.

#### IV. ITEMS REMOVED FROM CONSENT

##### C. CITY ATTORNEY

###### 19-4321

Approve Proposed Settlement Agreement Between DeJonge Excavating Contractors, Inc. and City of Venice

A motion was made by Vice Mayor Newsom, seconded by Dr. Fiedler, to approve Item No. 19-4321.

Discussion followed regarding the contractor's quality of work and not considering the contractor for future jobs in the city.

The motion carried unanimously by voice vote.

Recess was taken at 9:44 a.m. until 9:52 a.m.

#### V. PUBLIC HEARINGS

##### A. ORDINANCES - FIRST READING

###### ORD. NO. 2020-02

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, for the Property Located at 805 S. Tamiami Trail and Owned by Daus Capital, LLC, Pursuant to Zoning Map Amendment Petition No. 18-06RZ, from Sarasota County Office, Professional and Institutional (OPI) District and Venetian Urban Design (VUD) Overlay District to City of Venice Office, Professional and Institutional District and Venetian Urban Design (VUD) Overlay District; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi-Judicial)

Ms. Fernandez noted Venetian Urban Design (VUD) Waiver Petition No. 18-01WV was withdrawn by the applicant.

Mayor Feinsod announced this is a quasi-judicial procedure.

Ms. Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

Ms. Fernandez questioned council members on conflicts of interest and ex-parte communications. Mr. Newsom disclosed attending the planning commission meeting and site visit.

Ms. Stelzer noted written communication was included in the agenda packet and communication received after the agenda was posted will be included for second reading.

Mr. Clark, being duly sworn, provided a presentation and spoke to petition, aerial and site photographs, surrounding property information, future land use and existing zoning maps, permitted uses in the Office, Professional and Institutional (OPI) district, development standards, comprehensive plan consistency to include considerations to determine compatibility, land development code (LDC) consistency, concurrency/transportation mobility, findings of fact, and planning commission's determination.

Per council's request, Ms. Fernandez explained the city's obligation to establish city zoning on this property.

Discussion followed regarding the property having a city zoning designation.

Council waived applicant's presentation.

Anita Cervi, 712 Golf Drive, being duly sworn, noted opposition to proposed Sheraton Hotel and commented on the proposed hotel at the airport.

Robert Conover, 605 South Green Circle, being duly sworn, noted opposition to proposed Sheraton Hotel and commented on micro wilderness and number of requested variances.

Mr. Shrum, being duly sworn, explained purpose is to rezone the property.

Discussion continued regarding proposed hotel, property use, designating city zoning, VUD, exceptions, and restrictive zoning designations.

Mayor Feinsod closed the public hearing.

**A motion was made by Vice Mayor Newsom, seconded by Council Member Pachota, that based on the evidence in the record, Ordinance No. 2020-02 be approved on first reading and scheduled for final reading.**

Discussion ensued on converting from county to city zoning.

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

**Yes:** 7 - Mayor Feinsod, Mr. Caution, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

## **B. WAIVER**

CC 18-01WW Consider and Act Upon Venetian Urban Design (VUD) Waiver Petition No. 18-01WW for 775 S. Tamiami Trail and 805 S. Tamiami Trail for Parking, Setbacks, and Architectural Design (Quasi-Judicial)

VUD Waiver Petition No. 18-01WW was withdrawn by the applicant.

**C. ORDINANCES – FINAL READING****ORD. NO.  
2020-01**

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, for the Property Located at 925 S. Tamiami Trail and Owned by Dunn Haven Holdings, LLC, Pursuant to Zoning Map Amendment Petition No. 19-06RZ, from Sarasota County Commercial, Intensive (CI) and Residential, Single-Family 3 (RSF-3) Districts, and Venetian Urban Design (VUD) Overlay District to City of Venice Commercial, Intensive (CI) District and Venetian Urban Design (VUD) Overlay District; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing for an Effective Date (Quasi-Judicial)

Mayor Feinsod announced this is a quasi-judicial procedure.

Ms Stelzer read the ordinance by title only.

Mayor Feinsod opened the public hearing.

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

No written communication was received since the last hearing.

There was no update by staff or the applicant.

No one signed up to speak.

Mayor Feinsod closed the public hearing.

**A motion was made by Vice Mayor Newsom, seconded by Council Member Pachota, that based on the evidence in the record, Ordinance No. 2020-01 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

**VI. UNFINISHED BUSINESS - NONE****VII. NEW BUSINESS****A. ORDINANCES****ORD. NO.  
2020-03**

An Ordinance Amending City of Venice Ordinance No. 2019-32, which Adopted the Official Budget of the City of Venice, Florida for the Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020; by Increasing the Total Revenue by \$2,827,158 and Total Expenditures by \$2,827,158; and Providing for an Effective Date

Ms. Stelzer read the ordinance by title only.

No one signed up to speak.

**A motion was made by Council Member Moore, seconded by Vice Mayor Newsom, that Ordinance No. 2020-03 be approved on first reading and scheduled for final reading. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

ORD. NO.  
2020-04

An Ordinance Deleting Section 7 of Ordinance No. 2015-03 Which Established an Expiration Date Five Years After its Adoption for Garage Sale Regulations; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability and Providing an Effective Date  
Ms. Stelzer read the ordinance by title only.

No one signed up to speak.

**A motion was made by Vice Mayor Newsom, seconded by Dr. Neunder, that Ordinance No. 2020-04 be approved on first reading and scheduled for final reading. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

## **B. RESOLUTIONS**

RES. NO.  
2020-01

A Resolution of the City of Venice, Florida, Supporting the Equal Rights Amendment, Urging the Federal Delegation to Support the Equal Rights Amendment and to Enact Implementing Legislation for the Equal Rights Amendment, Urging the Governor of Florida and the Florida Legislature to Take the Necessary Steps for Ratification of the Equal Rights Amendment; and Providing for an Effective Date

Ms. Stelzer read the resolution by title only.

**A motion was made by Dr. Fiedler, seconded by Council Member Moore, that Resolution No. 2020-01 be approved and adopted. The motion carried by the following vote:**

**Yes:** 7 - Mayor Feinsod, Mr. Cautero, Vice Mayor Newsom, Dr. Fiedler, Ms. Moore, Mr. Pachota and Dr. Neunder

## **C. COUNCIL ACTION/DISCUSSION**

19-4337

Discuss Enforcement of State and County Laws and City of Venice Ordinances (Newsom)

Mr. Newsom explained basis for his request and asked consensus to direct staff to prepare a cost analysis and provide recommendations on enforcement of city laws and ordinances.

Discussion followed regarding enforcement, public reporting, catching



violations in the act, sign ordinance, and including input from the police and fire chief.

Mr. Lavallee suggested discussing this item at strategic planning and budget workshops.

Discussion ensued regarding intent of ordinances, enforcement, budget concerns, and signage.

Mr. Lavallee suggested a public think tank.

Discussion ensued on having a public think tank, enforcing ordinances, downtown outdoor dining and ADA access, resident feedback, businesses using public property, and having a fee structure for use of public property for private benefits.

**A motion was made by Vice Mayor Newsom, seconded by Dr. Fiedler, to direct staff to prepare a cost analysis and provide recommendations on enforcement of city laws and ordinances to be presented at strategic planning and budget workshops. The motion carried unanimously by voice vote.**

**19-4338**

Direct Staff to Review the Cost and Feasibility of Installing Rain Barrels at City Buildings/Facilities and Report Back to City Council (Feinsod)

Discussion took place regarding staff conducting a cost benefit analysis, the Environmental Advisory Board (EAB) researching this item, and Sarasota County's program.

**A motion was made by Dr. Fiedler, seconded by Vice Mayor Newsom, to approve Item No. 19-4338.**

Mr. Lavallee noted EAB can invite a county representative to make a presentation at one of their meetings.

**An amendment to the motion was made by Dr. Fiedler, seconded by Council Member Cautero, to have the Environmental Advisory Board research this item and report back to council.**

Discussion continued regarding advisory board schedules, item timeframe, considering a special meeting, collaborating with the county's program, and having an inexpensive solution to help with stormwater issues.

**Dr. Fiedler withdrew her amendment to the motion and Mr. Cautero withdrew his second.**

**Dr. Fiedler moved to approve Item No. 19-4338, seconded by Vice Mayor Newsom.**

Discussion ensued regarding advisory boards contributing and including them in the process.

The motion carried by voice vote 5-2 with Mr. Cautero and Ms. Moore opposed.

19-4339

Direct City Manager to Request a Presentation by Sarasota County on the County's Program on the Use of Rain Barrels and Composting in the City (Feinsod)

A motion was made by Dr. Fiedler to approve Item No. 19-4339. The motion failed due to lack of a second.

19-4340

Discuss Eliminating the Last Audience Participation on the City Council Agenda (Feinsod)

A motion was made by Dr. Fiedler to approve Item No. 19-4340. The motion failed due to lack of a second.

19-4341

Discuss Proclamation Guidelines (Feinsod)

Discussion took place on implementing proclamation guidelines.

Mr. Lavallee spoke to efficiencies of running a council meeting, eliminating duplication of staff work, staff researching proclamation models, and discussing this item at strategic planning.

Discussion followed on addressing council agendas at strategic planning to include items requiring council's approval, criteria for presentations by outside parties, and reviewing the city charter.

Ms. Fernandez noted there is no existing policy for proclamations.

Discussion continued on addressing entire agenda protocol and the city's charter at strategic planning.

## VIII. CHARTER OFFICER REPORTS

### City Attorney

Ms. Fernandez had no report.

### City Clerk

Ms. Stelzer had no report.

### City Manager

Mr. Lavallee congratulated the finance department for receiving certificate of achievement for excellence in financial reporting from the Government Finance Officers Association (GFOA).

**IX. COUNCIL REPORTS*****Council Member Pachota***

Mr. Pachota reported attending IEMO (Institute for Elected Municipal Officials).

***Council Member Newsom***

Mr. Newsom reported on Council of Governments (COG) and meeting with Metropolitan Planning Organization (MPO)'s administrators.

***Council Member Fiedler***

Dr. Fiedler reported on planning commission meetings and noted upcoming meeting on January 22, 2020 at the Venice Community Center to discuss proposed historic preservation ordinance.

***Council Member Moore***

Ms. Moore reported on the Architectural Review Board (ARB) meeting.

***Council Member Cautero***

Mr. Cautero reported on Venice MainStreet's new board president Ronnie Fernandez and upcoming speaking engagement on January 23, 2020 at Venice Coalition.

***Council Member Neunder***

Dr. Neunder reported attending IEMO and requested to place rescission of action taken August 27, 2019 denying Ordinance No. 2019-19 relating to Gulf Coast Community Foundation (GCCF) on the next council agenda.

Ms. Fernandez noted Florida Land Use and Environmental Dispute Resolution Act (FLUEDRA) filing is in process and council can entertain a motion to rescind.

***Mayor Feinsod***

Mayor Feinsod reported attending IEMO and suggested council members contact their state representatives on home rule.

Ms. Moore commented on an article in the Herald Tribune regarding state legislation.

Recess was taken at 11:57 a.m. until 1:01 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***

19-4342      Ronnie Fernandez, Chair, Venice Heritage, Inc.: Update on Lord-Higel House (10 min.)

Ronnie Fernandez, Chair, Venice Heritage, Inc., spoke to project funds, timeline, contract with a new architect, construction of ADA ramp and restroom, and technical review committee (TRC) 's review of the site plan.

19-4343      Pat Neal, Neal Communities: Update on Widening of Laurel Road and Request that City Council Authorize the City Manager Send a Letter to Sarasota County Requesting the Designation of \$400,000 in Impact Fees for a Conceptual Design Plan and to Utilize the Public Procurement Process for Laurel Road (15 min.)

Pat Neal, Neal Communities, provided a presentation and spoke regarding US Highway 301 in Manatee County, Fort Hamer Bridge Project, Honore Avenue extension, Toledo Blade Boulevard, Bay Street sidewalk in Sarasota County, Fort Hamer extension in Manatee County, Laurel Road widening between Knights Trail Road and Jacaranda Boulevard, Laurel Road design section, right-of-way needs, potential funding sources, next steps to move forward with the project, and responded to council questions regarding the county's level of commitment on the project, funding, potential to exceed requested amount, and request to use impact fees.

Jerry Jasper, 130 Burano Court, on behalf of the Venetian Golf and River Club Community Association Board, spoke to supporting the public/private partnership as proposed by Mr. Neal to widen East Laurel Road.

**A motion was made by Vice Mayor Newsom, seconded by Dr. Fiedler, to approve Item No. 19-4343.**

Discussion followed regarding projection of Laurel Road, Jacaranda Boulevard extension, and public/private partnerships.

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

19-4344      Camille Cline, Deputy Director of Development, Venice Theatre: The Next Act Capital Campaign and Request Council Consider Contributing to the Campaign (10 min.)

Camille Cline, Deputy Director of Development, Venice Theater, provided a presentation and spoke on The Next Act capital campaign, Venice Theater to include economic impact and space needs, project timeline, donor contribution match, the theater's capital improvement history, funding needed for the arts education building, arts education building floor plan, main and technical arts building, endowment, recognition and giving societies, credentials, ways to give, and asked council to consider

contributing \$150,000 to the theater.

Discussion followed on supporting the theater.

Mario Messina, 4029 Casey Key Road, Nokomis, expressed his support of the theater and noted it is an asset to the community.

Discussion ensued regarding the city making a donation and staff providing council with recommendations on potential funding sources and timeline.

**A motion was made by Council Member Cautero, seconded by Dr. Fiedler, to direct staff to provide council with recommendations on potential funding sources, a timeline, and criteria for staff to establish a tangible public benefit. The motion carried unanimously by voice vote.**

19-4345

IT Director Dr. Christophe St. Luce: Cyber Security (15 min.)

Dr. St. Luce provided a presentation and spoke on the information technology (IT) department, tech items supported, assisting other agencies, policies, focusing on security, ransomware, recent attacks, mitigating threats, and responded to council questions regarding malware attempts, training for city staff and advisory board members, full system restore, cyber insurance, and preventative measures for hardware updates.

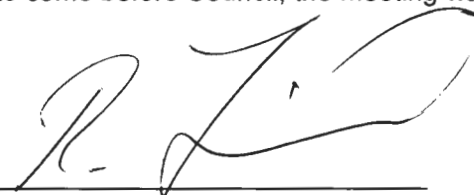
## **X. AUDIENCE PARTICIPATION**

There was none.

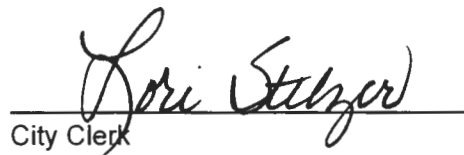
## **XI. ADJOURNMENT**

There being no further business to come before Council, the meeting was adjourned at 2:24 p.m.

ATTEST:



Mayor - City of Venice



City Clerk