



City of Venice

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

Meeting Minutes City Council

Tuesday, July 11, 2023

9:00 AM

Council Chambers

[23-6168](#)

Meeting Instructions and Request to Speak Form

Broadcast

CALL TO ORDER

Mayor Pachota called the meeting to order at 9:20 a.m.

The meeting was delayed due to technical difficulties.

ROLL CALL

Present: 7 - Mayor Nick Pachota, Dr. Mitzie Fiedler, Vice Mayor Jim Boldt, Ms. Helen Moore, Mrs. Rachel Frank, Mr. Dick Longo and Mr. Rick Howard

Vice Mayor Boldt attended virtually by Zoom.

ALSO PRESENT

City Attorney Kelly Fernandez, City Clerk Kelly Michaels, City Manager Ed Lavallee, Assistant City Manager James Clinch, Deputy City Clerk Toni Cone, and for certain items on the agenda: Utilities Director Javier Vargas, Planning Manager Amy Nelson, and City Engineer Kathleen Weeden.

INVOCATION AND PLEDGE OF ALLEGIANCE

City Clerk Michaels provided the invocation and Mr. Howard led the Pledge of Allegiance.

I. RECOGNITION

[23-6169](#)

Mayor's Pillar of the Community Award, Presented to Dr. William (Bill) Jervey

Mayor Pachota presented this Award.

II. AUDIENCE PARTICIPATION will be limited to one hour.

Inia Tunstall, 4000 Aston Gardens Drive, spoke on Ukraine, and requested

the City celebrate Ukraine's birthday with a proclamation, light City hall with the Ukrainian colors of blue and yellow, fly the Ukrainian flag below the U.S. flag, and adopt a sister city in Ukraine.

Victor Dobrin, 20327 Reale Circle, spoke on government, balance and judgment, special interests, listening to citizens, capitalism, and freedom.

Ksenia Kuzmycz, 23331 Copperleaf Drive, spoke on supporting Ukraine.

III. CONSENT SECTION:

A motion was made by Dr. Fiedler, seconded by Mr. Howard, to approve items on the Consent Agenda. The motion carried unanimously by voice vote.

A. CITY CLERK

[23-6170](#) Set the Dates for the Public Hearings on Millage and Budget for 5:01 p.m. on Tuesday, September 12 and Monday, September 25, 2023, and Set the Preliminary Operating Millage Rate at 4.3600 Mills and the Debt Service Millage Rate at 0.4061 Mills for Fiscal Year Ending 2024

This item was approved on the Consent Agenda.

[23-6171](#) Minutes of the June 15, 2023 and June 16, 2023 Continuation of Public Hearing for Ordinance No. 2023-11 Milano PUD Zoning Map Amendment Petition No. 22-38RZ, June 22, 2023 Budget Workshop, and June 27, 2023 Regular Council Meeting

These minutes were approved on the Consent Agenda.

[23-6172](#) Appoint Roger Effron to the Parks and Recreation Advisory Board to Serve a Term from July 11, 2023 to June 30, 2026

This appointment was approved on the Consent Agenda.

B. CITY MANAGER

Engineering

[23-6173](#) Execute Inter-Governmental Agreement for the Signalization of the Pinebrook Road/Healthcare Way Intersection Between Sarasota County, the Sarasota County Public Hospital District and the City of Venice

This item was approved on the Consent Agenda.

Utilities

[23-6174](#) Approve First Amendment to Utility Upsizing and Reimbursement Agreement Between Meritage Homes of Florida, Inc. and the City of Venice for Rustic Road (Knights Trail) Lift Station

This item was approved on the Consent Agenda.

IV. ITEMS REMOVED FROM CONSENT

There were none.

Recess was taken from 9:36 a.m. until 9:40 a.m.

V. PRESENTATIONS

[23-6175](#)

Reese Erwin: Reuse with Reese (10 min.) (Mayor Pachota)

Ms. Erwin provided a presentation on reusing single plastic bags.

[23-6176](#)

Kara Morgan, Chief Executive Officer, Venice MainStreet Inc.: Proposal for a One Time Contribution to Purchase and Install an Interactive Digital Kiosk at Centennial Park for Resident and Visitor Use (15 min.) (Mayor Pachota)

Kara Morgan, Venice MainStreet (VMS), provided a presentation on a digital, interactive kiosk, requested support for installation and funding for placement in Centennial Park, spoke on expected benefits, staffed kiosk with volunteers, timeline, cost estimates, proposed partnership, and answered Council questions regarding the businesses requesting the kiosk, and business financial contributions.

Discussion took place regarding dues paid to VMS, City contributions to VMS, support of some Council Members, one time investment, helping entire downtown area, considering a 50% contribution, non-financial VMS contributions, raising private donor funds, City events, and marketing opportunities.

City Manager Lavallee commented on staff discussion with Ms. Morgan, the option to put project in the Capital Improvement Plan for FY 24, with the City to purchase and own, and to negotiate an agreement with VMS to manage it.

A motion was made by Mr. Longo, seconded by Ms. Moore, for the City to add an interactive kiosk as presented by Venice MainStreet with parameters recommended by the City Manager, for the City to purchase the kiosk for the best price at the time, the City to install kiosk, and to negotiate an agreement for Venice MainStreet to manage the kiosk. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

Recess was taken from 10:25 a.m. until 10:30 a.m.

23-6177

Javier A. Vargas, Utilities Director, City of Venice, Chris Kuzler, Ardurra Group, Inc., Chris Sharek, Jacobs Engineering Group, Inc. and Andy Burnham, Stantec Consulting Services, Inc.: American Society of Civil Engineers Infrastructure Report Card for City of Venice Utilities (20 min.)

Utilities Director Vargas provided a presentation with Chris Kuzler, Ardurra Group, on the American Society of Civil engineers (ASCE) report card, including infrastructure for future growth overall, wastewater and drinking water in the United States, the State of Florida, and the City of Venice.

Chris Sharek, Jacobs Engineering spoke on the drinking water system, challenges, highlights, advanced meter infrastructure (AMI), backflow prevention ownership, and opportunities to raise the grade.

Mr. Kuzler continued reporting on wastewater and reclaimed water system overview, challenges, highlights, reclaimed water, and potential projects.

Andy Burnham, Stantec, reported on the financial model update, including rate study, capital costs funded through rates, and recommendations.

Discussion took place regarding the portal being available to customers in 2025 when meter replacement is complete, pipe conditions in the State of Florida, and Venice, life expectancy of our pipes, where additional wells might be located, reclaimed meters, eventually being AMI, and compliments to the Utilities Department.

VI. PUBLIC HEARINGS

ORDINANCES - FIRST READING

ORD. NO.
2023-23

An Ordinance Amending the Official Zoning Atlas of the City of Venice, Florida, Pursuant to Zoning Map Amendment Petition No. 23-17RZ, to Change the Zoning Designation for the Habitat for Humanity of South Sarasota County, Inc. Property Located at 749 Knights Trail Road (1.95+ Acres) from Government (GOV) to Residential Multi-Family 3 (RMF-3); Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date (Quasi-judicial)

Clerk Michaels read the ordinance by title only.

Mayor opened the public hearing.

City Attorney Fernandez questioned Council Members concerning ex-parte communications and conflicts of interest. Mr. Longo disclosed a site visit only.

There were no written communications and no one signed up to speak.

Senior Planner Nelson provided a presentation to include information, project description, location map, aerial photo, current future land use, current zoning, proposed zoning, comprehensive plan consistency, conclusions/findings of fact, land development code conclusions/ findings of fact, concurrency and mobility, conclusion, and answered Council question regarding the land ownership.

Mayor Pachota closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Mrs. Frank, that Ordinance No. 2023-23 be approved on first reading and scheduled for final reading. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

ORD. NO.
2023-24

An Ordinance of the City of Venice, Florida, Amending the 2017-2027 Comprehensive Plan Pursuant to Petition No. 23-31CP by Amending Strategy HG 1.5.2 Targeted Attainable Housing Locations, and Table HG-2 Attainable Housing - Maximum Density (Dwelling Units Per Gross Acre) with Density Bonus, to Allow an Attainable Housing Density Bonus for the Moderate Density Future Land Use Designation (Residential Multi-Family Zoning Districts Only); Providing for Repeal of All Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

Council waived the staff presentation.

There were no written communications and no one signed up to speak.

Mayor Pachota closed the public hearing.

A motion was made by Dr. Fiedler, seconded by Mr. Longo, that Ordinance No. 2023-24 be approved on first reading and transmitted to the Department of Economic Opportunity (DEO) for review. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

VII. NEW BUSINESS

A. RESOLUTIONS

RES. NO.
2023-27

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by CAH Developments, LLC, and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an

Effective Date (Catalyst)

Clerk Michaels read the resolution by title only.

A motion was made by Dr. Fiedler, seconded by Mr. Howard, that Resolution No. 2023-27 be approved and adopted. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

RES. NO.
2023-28

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements installed by Meritage Homes of Florida, Inc., and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing and Effective Date (Rustic Road Offsite Watermain)

Clerk Michaels read the resolution by title only.

A motion was made by Ms. Moore, seconded by Mr. Howard, that Resolution No. 2023-28 be approved and adopted. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

RES. NO.
2023-29

A Resolution of the City of Venice, Florida, Accepting Utilities and Improvements Installed by Meritage Homes of Florida, Inc. and Accepting a One Year Developers Maintenance Bond and Bill of Sale, and Providing an Effective Date (Rustic Road)

Clerk Michaels read the resolution by title only.

A motion was made by Mr. Howard, seconded by Ms. Moore, that Resolution No. 2023-29 be approved and adopted. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

B. COUNCIL ACTION/DISCUSSION**23-6178**

Sister City Program: Investigate Adopting an International Sister City (Mayor Pachota)

Discussion took place regarding talking to other municipalities, degree of involvement, parameters, preliminary research, staff bringing back a mission statement, and possible outcomes.

A motion was made by Vice Mayor Boldt, seconded by Mr. Howard, to direct staff to research international sister cities, talking to other municipalities, degree of involvement, parameters, and staff to bring back a mission statement and possible outcomes. The motion carried by the following electronic vote:

Yes: 7 - Mayor Pachota, Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mrs. Frank, Mr. Longo and Mr. Howard

Recess was taken from 11:30 a.m. until 12:45 p.m.

VIII. PUBLIC HEARINGS - CONTINUED

ORDINANCES – FINAL READING

ORD. NO.
2023-11

An Ordinance of the City of Venice, Florida, Granting Zoning Map Amendment Petition No. 22-38RZ for the Milano Planned Unit Development (PUD) Located at Laurel Road and Jacaranda Boulevard, by Changing the Land Use Designation for an Approximately 10.42 Acres Parcel from Open Space to Commercial and Amending the Milano PUD Binding Master Plan (BMP) to Allow for Commercial Development; Providing for Repeal of all Ordinances in Conflict Herewith; Providing for Severability; and Providing an Effective Date (Quasi-judicial)

Clerk Michaels read the ordinance by title only.

Mayor Pachota opened the public hearing.

City Attorney confirmed with Mrs. Frank that she was able to review the video from the final day of the first reading of the ordinance on June 16, 2023.

City Attorney Fernandez questioned Council Members concerning ex-parte communications and conflicts of interest since the hearing on June 16, 2023. Dr. Fiedler stated she had individuals attempt to speak to her regarding the ordinance, and informed them she could not discuss, and she also turned in written correspondence to the Clerk. Mr. Longo disclosed attempts of individuals to speak to him, and a site visit.

City Attorney Fernandez reviewed the procedures for the quasi-judicial hearing, not designed to redo anything from the first hearing, conclusory remarks, whether there is competent substantial evidence in the record, popularity of the application should not be considered, requests for additional time do not need to be acted on. She highlighted items changed on the ordinance, Section Three stipulations added the applicant referenced at the first hearing: 1) The total commercial square footage to be limited to 70,240 and 2) The buffer modification request to be withdrawn. Both items have been incorporated into the Milano PUD Binding Master Plan Amendment dated July 3, 2023, and are attached to the ordinance.

Communications were provided ongoing, in advance, and are part of the record.

Debbie Gericke, 146 Bella Vista Terrace 14C, being duly sworn, spoke

against the Zoning Map Amendment Petition.

Anthony Demeo, 249 Mestre Place, being duly sworn, expressed agreement with Debbie Gericke.

Pat Appolonia, 157 Padova Way, being duly sworn, expressed agreement with Debbie Gericke.

Nancy DeForge, 332 Laurel Hollow Drive, being duly sworn, spoke against the Zoning Map Amendment.

Tyler Cassell, 201 Medici Terrace, being duly sworn, spoke against the Zoning Map Amendment.

Jill Pozarek, representing affected party North Venice Neighborhood Alliance, being duly sworn, spoke against the Zoning Map Amendment, encouraged the City to get open space dedicated, traffic in the City, and following laws.

Marshall Happer, on behalf of affected party Venetian Golf and River Club (VGRC), being duly sworn, spoke regarding Council's decision, commercial uses, and proposed stipulations.

Gary Scott, affected party, being duly sworn, spoke against the Zoning Map Amendment, Council's decision, compatibility, definition of open space, restrictions, and lack of compliance with comprehensive plan.

Jeffery Boone, agent for applicant, being duly sworn, spoke regarding the affected party's proposed ordinance, conclusions, findings of fact, against the affected party's requested stipulations, Council followed the law, unified control, and substantial evidence to approve the petition.

Discussion took place regarding listening to all the evidence, proposed stipulations, information provided, following laws, stating reasons for denial of petitions, not for approval of petitions, competent substantial testimony, zoning map amendment petition only, expert testimony, traffic studies and analysis, compatibility, comments from the public towards Council, 86-130(r), needs of the Planned Unit Development (PUD), and Council determining code language concerns.

A motion was made by Mr. Longo, seconded by Vice Mayor Boldt, that based on review of the applicant materials, the staff report and testimony and evidence provided during the public hearings, Ordinance No. 2023-11 be approved and adopted as presented. The motion carried by the following electronic vote:

Yes: 5 - Dr. Fiedler, Vice Mayor Boldt, Ms. Moore, Mr. Longo and Mr. Howard

No: 2 - Mayor Pachota and Mrs. Frank

Recess was taken from 1:45 p.m. until 1:50 p.m.

City Attorney Fernandez advised Council against communication regarding the petition during the appeal period and answered council questions regarding the appeal period.

IX. CHARTER OFFICER REPORTS

City Attorney

23-6179

Discussion on Meeting Attendance Policies

City Attorney Fernandez requested clarification of the Meeting Attendance Policies, including how to address total absence, listed criteria excused without Council vote, and if absence is for another reason Council Member can request excuse by Council vote.

Discussion took place regarding appealing the attendance policy, being held accountable by the voters, and if Council wanted to eliminate the policy it would need to be voted on by the citizens.

Discussion continued regarding the expense of a charter amendment, expanding the reasons for excuse, opposition of amending the charter, time and expense, personal travel, employment obligations, not being afraid of charter amendments, dedication, virtual attendance, quorum concerns, public record, and continuance of regular public meetings.

Discussion ensued on clarifying virtual attendance option when needed, Council not needing to vote for approval, and if the option is abused Council could revoke.

City Attorney Fernandez will revise resolution to clarify.

There was consensus to proceed with the meeting attendance policy as presented by the City Attorney, specifying if the City Clerk receives one of the seven named reasons for absence, Council Member is excused without a vote, and a generic category description of absence is recorded in the minutes. A Council Member may request Council to consider and vote to excuse on the reason for absence if it is outside of the seven named categories. When a regular meeting is carried over and extends into additional days, a member is not considered absent for the subsequent meeting day(s), as it pertains to Section 3.07(b) of the Charter.

City Clerk

Clerk Michaels had no report.

City Manager

City Manager Lavallee had no report.

X. COUNCIL REPORTS

Council Member Fiedler

Dr. Fielder had no report.

Council Member Frank

Mrs. Frank had no report.

Council Member Howard

Mr. Howard had no report.

Council Member Longo

Mr. Longo had no report.

Council Member Moore

Ms. Moore had no report.

Vice Mayor Boldt

Vice Mayor Boldt had no report.

Mayor Pachota

Mayor Pachota had no report.

X. AUDIENCE PARTICIPATION

No one signed up to speak.


XI. ADJOURNMENT

There being no further business to come before Council, the meeting was adjourned at 2:20 p.m.

ATTEST:



Mayor - City of Venice



Deputy City Clerk