AGENDA REQUEST

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<tr>
<th>AGENDA HEADER:</th>
<th>COMMISSION MEETING DATE:</th>
<th>AGENDA ITEM NO:</th>
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</thead>
<tbody>
<tr>
<td>Approval of Minutes</td>
<td>June 3, 2019</td>
<td>II.1.</td>
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</tbody>
</table>

**BY** City Auditor and Clerk  
Shayla Griggs  
Interim City Auditor and Clerk Griggs

<table>
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<tr>
<th>Originating Department</th>
<th>Department Head</th>
<th>Presenter</th>
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<tbody>
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<td>Shayla Griggs</td>
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**SUBJECT:**
Approval Re: Minutes of the Special Sarasota City Commission Meeting of March 16, 2019

**COMMISSION PRIORITIES:**  
Business Requirement

**EXPLANATION:**
N/A

**ADMINISTRATION'S RECOMMENDATION:**
Recommend motion to approve the Minutes for the Special City Commission Meeting of March 16, 2019, by consensus.

| APPROVAL SUMMARY: |
|-------------------|-----------------|-----------------|-----------------|-----------------|
| Approval          | Required | Date Completed | Completed By    | Status         |
| City Auditor and Clerk Approval | Y       | 05/21/2019      | Shayla Griggs  | APPROVED       |
AGENDA REQUEST

ADDITIONAL EXPLANATION:

ADDITIONAL ADMIN RECOMMENDATION:

FUNDING SOURCE:  AMOUNT:

HOUSING IMPACT (Per House):  NEW CONSTRUCTION:  REHABILITATION:
                                 $0           $0

SUPPORT DEPARTMENTS:
City Auditor and Clerk - Shayla Griggs

AGENDA DISPOSITION

COMMISSION ACTION:
Final Action Motion: _______________________________________________________
Motion By: _______________________________     Second By: ____________________________
Vote: ________________________________________________________________

2
MINUTES OF THE SPECIAL SARASOTA CITY COMMISSION MEETING OF MARCH 16, 2019

PRESENT: Mayor Liz Alpert, Vice Mayor Jen Ahearn-Koch, Commissioners Hagen Brody, Shelli Freeland Eddie, and Willie Charles Shaw, City Manager Thomas Barwin, Attorney Kelly Fernandez, from the City of Venice, acting City Attorney on behalf of the City of Sarasota, and Interim City Auditor and Clerk Shayla Griggs

ABSENT: City Attorney Robert Fournier

The meeting was called to order by Mayor Alpert at 9:00 A.M.

INVOCATION: Interim City Auditor and Clerk Griggs

PLEDGE OF ALLEGIANCE: Vice Mayor Ahearn-Koch

9:02:18 A.M.

1. QUASI-JUDICIAL PUBLIC HEARING: (AGENDA ITEM II-B)


9:02:22 A.M.

Mayor Alpert opened the Public Hearing and requested Attorney Fernandez to explain the Quasi-Judicial process regarding the Appeal of the Selby Public Library/Gulfcoast Wonder and Imagination Zone (G.WIZ) facility.

9:02:35 A.M.

Attorney Fernandez explained the Quasi-Judicial process and stated that the Commission’s decision is to be based solely on the recorded evidence presented today; that the Appeal is regarding a Demolition Permit of the Selby Public Library/G.WIZ facility.

9:03:06 A.M.

Mayor Alpert stated that the order of procedure will commence with resolving the motion for disqualification of the Vice Mayor; that the order will be as follows: The City, the Applicant, and the Vice Mayor, which will be followed by the Commission for comments if desired.

9:03:34 A.M.

Deputy City Attorney Michael Connolly, City Manager’s Office, on behalf of the Appellee, the City of Sarasota, Florida, came before the Commission and stated that the first motion is for disqualification of a City Commissioner and provided a brief overview of the merits of the motion.

9:11:05 A.M.

Deputy City Attorney Connolly stated that the basis of his motion is the belief that the “Commissioner’s Corner” episode establishes that the Vice Mayor was advocating for saving the building and the three-invited guest are core members of the Appellant’s case.
9:13:18 A.M.

Attorney Ralph Brooks, Attorney for the City of Madeira Beach, Florida, representing Edward Haas, the Appellant, came before the Commission and stated that his client is a retired attorney from another State and familiar with the law and will also be representing himself.

9:17:05 A.M.

Attorney Brooks stated that there are two Commissioners in the minority and three in the majority, and Deputy City Attorney Connolly is requesting those who are in the minority, or at least one of them recuse themselves; that the Vice Mayor, who is in the minority has a right and duty to vote; that the Vice Mayor has not pecuniary interest or voting conflict; that the subject building is owned by the City.

9:19:12 A.M.

Attorney Brooks stated that in the event the Vice Mayor is disqualified, then the belief is the Mayor should also be disqualified since she too has also made statements.

9:20:06 A.M.

Vice Mayor Ahearn-Koch provided to the Commission and for the record printed material entitled “Timeline Legislative vs Quasi-Judicial” and read a prepared statement into the record.

9:26:09 A.M.

Vice Mayor Ahearn-Koch stated that if she voluntarily disqualifies herself, not only would she be going against the Florida State Statutes, but setting a dangerous precedent for future elected officials.

9:27:11 A.M.

Mayor Alpert gaveled due to applause and reminded those in the audience to refrain from booing and clapping and stated that everyone needs to be able to present their case and comments and not worry about either.

9:27:28 A.M.

Mayor Alpert stated that the next item of business would be a motion for disqualification of the Mayor and the Appellant.

9:27:42 A.M.

Attorney Brooks referred to a bound book which contained a notarized letter written by the Mayor on City letterhead dated November 26, 2018 and read a portion of the letter into the record.

9:29:01 A.M.

Deputy City Attorney Connolly briefly explained the contents of the notarized letter written by the Mayor on City letterhead dated November 26, 2018, and stated the Mayor was signing the letter merely in the ministerial capacity of indicating two previous actions which the Commission had taken.

9:32:22 A.M.

Mayor Alpert stated that her comments are similar to those made by the Vice Mayor that the issue was done during the Legislative period; that three of the Commissioners did vote to move forward with Phase One, which would mean demolition of the building prior to this Appeal being filed; however, one could arguably say that every single Commissioner would need to recuse themselves, since one has already expressed some opinion, and secondly, this Quasi-Judicial Public Hearing has nothing to do
with the demolition of the building; that the Appeal is based merely on whether the City followed its own procedure; that she will not be recusing herself from the Quasi-Judicial Public Hearing.

9:38:15 A.M.

Mayor Alpert stated that the next item would be a motion to dismiss the Appeal due to lack of Standing.

9:39:05 A.M.

Deputy City Attorney Connolly stated that under the Common Law, not just anyone can Appeal a Development Order and requested a ruling that the Appellant does not have Standing to Appeal the issuance of the Demolition Permit for the G.WIZ building; that the Appellant is merely using his residence location as a factual basis to obstruct Phase One of the Sarasota Bay Master Plan.

9:47:57 A.M.

Attorney Brooks stated that the Appellant enjoys looking at the G.WIZ building every single day and can see the building from his adjoining property; that what is interesting about the building in terms of why it would be designated, is the expression of Walter Netsch, an architect strategy of Field Theory.

9:48:28 A.M.

Mayor Alpert requested Attorney Brooks to address the motion since what is being addressed is whether the building is historic or not and to explain why the Appellant is qualified.

9:48:39 A.M.

Attorney Brooks stated that the Appellant enjoys looking at the outside of the G.WIZ building which is directly across the street and does not need to be inside the building to see the geometric forms; that the Appellant clearly has Standing and will be impacted if he cannot see the building, if demolished.

9:51:26 A.M.

In response to a question from Mayor Alpert asking the direction the Appellant’s windows face, Attorney Brooks stated that the Appellant would have the address the question.

9:51:46 A.M.

Attorney Fernandez stated that the Appellant would be providing factual testimony and should be sworn in.

9:51:57 A.M.

Interim City Auditor and Clerk Griggs read the Pledge of Conduct and administered an oath to speak during the Quasi-Judicial Public Hearing.

9:52:46 A.M.

In response to a question from Mayor Alpert asking which way the Appellant’s windows face, Edward Haas, the Appellant, came before the Commission and stated that windows are on both sides of the building; that the main windows face out onto Sarasota Bay; however, the windows on the walkway in the three-bedroom apartment, has windows facing the east and then there are windows in the back of the building, where the walkways are open to the G.WIZ building can be seen.
9:53:30 A.M.

In response to a question from Commissioner Brody to Attorney Fernandez asking if she has any opinions as to the Standing argument related to being able to see the structure, Attorney Fernandez stated that is weighing of all the factors if someone has an interest in the property which exceeds that of the public in general, and also has their rights been affected by City Code, as stated by Deputy City Attorney Connolly.

9:54:38 A.M.

In response to a question from Commissioner Freeland Eddie asking if the decision the Commission will make regarding the Appellant would also apply to the Affected Person(s) based upon the same argument, Attorney Fernandez stated that the standard is the same.

9:58:23: A.M.

Commissioner Freeland Eddie stated that the Appellant's recognized right is that he is an adjoining property owner, lives within 500 feet of the building and has an opinion as to what he wants to see happen.

10:01:55 A.M.

Deputy City Attorney Connolly stated that the only reason the Appellant received the 500 feet Demolition Notice, is because the Appellant filed the Appeal, that the question to be addressed is does the Appellant have the ability to file the Appeal; that this was started as the result of the Appellant not the City.

10:02:24 A.M.

In response to a question from Commissioner Freeland Eddie asking if the City sent a Demolition Notice to the Affected Person(s) of the property, Deputy City Attorney Connolly stated no.

10:03:43 A.M.

Deputy City Attorney Connolly stated that the point he is making is the Appellant is not affected by the demolition in any right he has under the City’s Zoning Code or the Comprehensive Plan.

10:04:55 A.M.

In response to questions from Commissioner Brody to the Attorney Fernandez about the Commission’s options if the motion is granted to dismiss the Appeal and would proceeding cease, Attorney Fernandez stated that if the Commission grants the motion to dismiss, then the proceeding will cease and would be reduced to a Written Order and the Appellant would have 30 days to challenge the Standing Request only.

10:05:46 A.M.

A motion was made by Commissioner Brody, and seconded by Mayor Alpert to dismiss the Appeal based on lack of Standing.
In response to a request from Commissioner Freeland Eddie for the Deputy City Attorney to explain the difference between an Affected Person and an Aggrieved Person for purposes of the motion to dismiss, Deputy City Attorney stated that an Affected Person is anyone within 500 feet; that an Aggrieved Person is a person with Standing who has the ability to commence the proceedings.

Vice-Mayor Ahearn-Koch requested to hear from the Appellant’s Attorney.

Attorney Brooks stated that the Commission is reminded this is a Quasi-Judicial Public Hearing which means his client is entitled to due process and an opportunity to be heard; that the City issued the Demolition Permit without notice to his client, who found out and filed this Appeal; that the City is now denying his client an opportunity to be heard as to why the Demolition Permit was filed on the wrong form; that the Florida Master Site File (FMSF) form should have been filed.

In response to a question from Attorney Brooks asking his client seated in the audience if he is a member of the Sarasota Alliance for Historic Preservation, Mr. Haas, the Appellant seated in the audience replied yes.

Mayor Alpert stated that according to Martin County Conservation Alliance v. Martin County, interest groups lack Standing to Appeal an Administrative Order (Order) where groups fail to demonstrate their interest or the interest of a substantial number of their members were adversely affected by that Order.

Mayor Alert called for a vote on the motion to dismiss the Appeal based on lack of Standing, which failed by a 2-3 vote, with Vice Mayor Ahearn-Koch, and Commissioners Freeland Eddie and Shaw, voting no.

Mayor Alpert stated that a motion is necessary to strike City Attorney Robert Fournier’s Memorandum dated March 11, 2019.

Attorney Fernandez stated that City Attorney Fournier’s Memorandum dated March 11, 2019 was filed after the Agenda package went out; that Deputy City Attorney and Attorney Brooks were both informed that the City had not put the Memorandum in the record and was not intending to place the Memorandum in record; however, Attorney Brooks would still like to address the motion and have the motion heard.

Attorney Brooks stated that the belief is City Attorney Fournier’s Memorandum indicated he would be providing legal advice to the City Commission regarding this issue and would be appointing Attorney Fernandez, from another law firm on behalf of the City, who has stated that the Memorandum would not be included in the record.
10:18:03 A.M.

Attorney Fernandez stated that since the Memorandum is not intended to be a part of the record and should not be a part of the record, the Commission can grant a motion to strike as a clarification that the Memorandum is not recorded evidence and will not be a part of the record when the Commission determination is made today.

10:19:19 A.M.

A motion was made by Commissioner Freeland Eddie, seconded by Commissioner Brody for City Attorney Robert Fournier’s Memorandum dated March 11, 2019 only, to not be considered as competent substantial evidence which will be presented before this body on this issue, which carried by a 5-0 vote.

10:20:32 A.M.

Attorney Fernandez read into the record the names of Affected Persons present and not present.

Commissioner Brody left the Chambers at 10:22 A.M. and returned at 10:23 A.M.

10:23:06 A.M.

Mayor Alpert requested the Commissioners to disclose any ex parte communications on the record.

10:23:15 A.M.

Attorney Fernandez stated for clarification in discussion with the City Attorney’s Office, the approximate date would be September 06, 2018 which is when the Master Plan was provided to the Commission which showed the G.WIZ building removed; that any ex parte communications should proceed from this date.

10:23:37 A.M.

Vice Mayor Ahearn-Koch disclosed ex parte communications on the record.

10:27:59 A.M.

Commissioner Brody disclosed ex parte communications on the record.

10:28:32 A.M.

Commissioner Freeland Eddie disclosed ex parte communications on the record.

10:29:14 A.M.

Commissioner Shaw disclosed ex parte communications on the record.

10:29:23 A.M.

Mayor Alpert disclosed ex parte communications on the record.

10:30:09 A.M.

In response to a request from Attorney Brooks for the Commission to provide the dates they meet with A.G. Lafley, Board Chairman of the Sarasota Bayfront Planning Organization (SBPO) Inc., Mayor Alpert stated that the dates are not readily known, and she would have to check her calendar.
Vice Mayor Ahearn-Koch stated that the belief is the dates on the Commission calendars deletes after six months and she has spoken with the Information Technology Department about the matter; however, she has had several meetings with Mr. Lafley and William “Bill” Waddill, Managing Director of the SBPO.

Commission recessed and 10:34 A.M.

Attorney Brooks stated that the Appellant has one Expert Witness who will not be available at 2:00 P.M.

Commission reconvened at 10:35 A.M.

The Appellant’s Expert Witness-1, testimony received.

Commission recessed at 10:41 A.M. and reconvened at 2:00 P.M.

Interim City Auditor and Clerk Griggs read the Pledge of Conduct and administered an oath to persons wishing to speak during the Quasi-Judicial Public Hearing.

Edward Haas, the Appellant’s Opening Statement received.

Expert Witnesses testimonies and cross and direct-examinations of the Appellant commenced in person, by telephone, and video.

Deputy City Attorney Connolly objected to printed images being distributed to the Commission and for the record by Attorney Brooks on behalf of the Appellant’s Expert Witness-2 testifying via telephone, and stated that the material was not received and seen beforehand in order to cross-examine.

Deputy City Attorney Connolly stated that the Appellant’s Expert Witness-2, testifying via telephone will be referring to the images which could be taken back after being viewed, and Deputy City Attorney Connolly stated that nothing can be taken back once given to a public official.

Commissioner Freeland Eddie stated that generally the Arbiter can consider some of the evidence, all of the evidence or none of the evidence.

Deputy City Attorney Connolly stated that is understood; however, the objection is noted.
2:55:21 P.M.

Attorney Fernandez collected the material distributed by Attorney Brooks as the result of the Appellant’s Expert Witness-2 testifying via telephone and stated that the material will not be part of the record.

3:00:21 P.M.

In response to a question from Commissioner Freeland Eddie cross-examining the Appellant’s Expert Witness-2, via telephone about the approximate date an evaluation was performed and if the document was provided to the City Attorney, the Appellant’s Expert Witness-2 stated that the document was provided to the Vice Mayor, and Deputy City Attorney Connolly stated that the answer to the question is no.

3:02:52 P.M.

In response to a question from Vice Mayor Ahearn-Koch cross-examining the Appellant’s Expert Witness-2, via telephone about the approximate date an evaluation was performed and if the document was provided to the City Attorney, the Appellant’s Expert Witness-2 stated that the document was provided to the Vice Mayor, and Deputy City Attorney Connolly stated that the answer to the question is no.

3:03:57 P.M.

Attorney Brooks referred from various tabbed exhibits in a document presented by the Appellant to show the appearances of the Appellant’s Expert Witness-2 opinion.

3:04:36 P.M.

In response to a question from Commissioner Freeland Eddie cross-examining the Appellant’s Expert Witness-2 and asking if the determination made was based on walking the outside perimeter, the Appellant’s Expert Witness-2 stated no; that the determination was based on the original construction drawings of the building.

3:04:55 P.M.

In response to a question from Mayor Alpert cross-examining the Appellant’s Expert Witness-2 and asking if they had any idea of the building’s current condition, the Appellant’s Expert Witness stated that there would be no reason to believe there is any difficulty; that most likely there would be the need for some reinforcement, as stated in the document regarding the wood decking needing extra fastening and reinforcing the masonry walls.

3:06:50 P.M.

Deputy City Attorney Connolly cross-examined the Appellant's Expert Witness-2 and requested the bottom of Exhibit 10, where the signatures appear be read into the record.

3:11:25 P.M.

Attorney Brooks direct-examined the Appellant’s Expert Witness-3, in person and asked if the more rigorous procedural application for the FMSF building structure demolition was followed or the simplified Building Demolition Application for any building use, the Appellant’s Expert Witness-3 stated that they were not asked to participate in the discussion of either restoration or demolition of the structure.

3:19:28 P.M.

In response to a question from Attorney Brooks direct-examining the Appellant’s Expert Witness-3 and asking would the proper procedure for the application for demolition would have been to file a FMSF,
the Appellant’s Expert Witness-3 stated that would answer the questionnaire about the historic relevance of the building.

3:19:43 P.M.

Deputy City Attorney Connolly objected and stated that the belief is there is no indication the Appellant’s Expert Witness-3 has any expertise in the City’s Zoning Code for providing interpretation.

3:20:34 P.M.

Mayor Alpert sustained the objection and stated that most of the testimony seems to be hearsay.

3:22:40 P.M.

Deputy City Attorney Connolly cross-examined the Appellant’s Expert Witness-3.

3:24:56 P.M.

Attorney Brooks cross-examined. Mr. Haas, the Appellant.

3:28:05 P.M.

In response to a question from Mayor Alpert to Attorney Fernandez asking if the Commission could object to leading questions, Attorney Fernandez stated that the Deputy City Attorney is in position to object items; however, the Chair can guide the proceedings if the belief is they are getting off on a tangent, and would not be termed objection.

3:28:51 P.M.

Deputy City Attorney Connolly cross-examined Mr. Haas, the Appellant and asked if he was aware that if the G.WIZ building had any eligibility for historic designation which Exhibit 10 related to repurposing would make the repurposed G.WIZ building ineligible for historic designation.

3:33:02 P.M.

Attorney Brooks objected and stated that this calls for an expert opinion and the Appellant is clearly not an expert.

3:33:24 P.M.

Mayor Alpert stated that if the Appellant is making the allegation, then the Appellant is viable since the Appellant is the one making the argument and it would be up to the Appellant to make the argument, and Attorney Brooks stated that the person who wrote Exhibit 10 is presented and will testify.

3:38:55 P.M.

Deputy City Attorney Connolly cross-examined Mr. Haas, the Appellant and asked if he was aware of Exhibit 29 regarding the demolition of FMSF form which is used when City Staff has determined the building is on the FMSF and is eligible for local or national designation, or is a contributing structure to a historic district, Mr. Haas, the Appellant replied no.

3:42:02 P.M.

Deputy City Attorney Connolly cross-examined Mr. Haas, the Appellant and asked if he was aware of Exhibit 33 and requested the highlighted area be read into the record, which Mr. Haas, the Appellant read into the record.
3:44:40 P.M.

Commissioner Brody cross-examined Mr. Haas, the Appellant.

3:45:22 P.M.

Commissioner Freeland Eddie cross-examined Mr. Haas, the Appellant.

3:46:55 P.M.

In response to a request and question from Deputy City Attorney Connolly stated that there were some Exhibits submitted by Mr. Haas, the Appellant and discussion has not taken place as to whether they will be admitted into evidence; however, objection is noted for Exhibits 35, 36, 37, and 38, and asked if the time is appropriate now to discuss, Attorney Fernandez stated yes.

3:47:29 P.M.

Deputy City Attorney Connolly provided a brief overview of Exhibits 35, 36, 37, and 38 submitted by Mr. Haas, the Appellant and the reasoning for not wanting them admitted into evidence.

3:49:11 P.M.

Attorney Brooks agreed to omitting Exhibits 35 and 36 into evidence.

3:50:03 P.M.

Attorney Brooks disagreed to omitting Exhibits 37 and 38 into evidence and stated that the Appellant’s Expert Witness-4 will testify in person under to Exhibits 35, 36, 37, 38 and Exhibit 10.

3:51:27 P.M.

The Appellant’s Expert Witness-4, testimony received related to Exhibits 10, 35, 36, 37, and 38.

4:01:55 P.M.

Deputy City Attorney Connolly stated that after hearing from the Appellant’s Expert Witness-4, the objection remains for Exhibits 37 and 38, which are based on relevance, and Mayor Alpert agreed.

4:03:57 P.M.

Commissioner Brody stated that the belief is what has been presented thus far has been irrelevant testimony, but does not see a problem with admitting Exhibits 37 and 38 into evidence.

4:04:17 P.M.

Commissioner Freeland Eddie stated that Exhibits 37 and 38 should be given the weight they deserve and for the process to move forward.

4:04:21 P.M.

In response to a request for clarification from Deputy City Attorney Connolly asking if Exhibits 37 and 38 are going to be admitted into evidence, Commissioner Brody stated yes.

Commission recessed at 4:04 P.M. and reconvened at 4:15 P.M.
4:15:48 P.M.

Interim City Auditor and Clerk Griggs administered an oath to speak during the Quasi-Judicial Public Hearing.

4:16:00 P.M.

Deputy City Attorney Connolly direct-examined the Appellee’s Expert Witness, Director Timothy “Tim” Litchet of the Development Services (DS) Department, City of Sarasota, Florida.

4:24:56 P.M.

Attorney Brooks cross-examined the Appellee’s Expert Witness, Director Timothy “Tim” Litchet of the DS Department, City of Sarasota, Florida.

4:28:36 P.M.

Deputy City Attorney Connolly direct-examined the Appellee’s Expert Witness, Senior Planner Clifford “Cliff” Smith, Jr., of the Planning Department, City of Sarasota, Florida.

4:45:10 P.M.

Attorney Brooks cross-examined the Appellee’s Expert Witness, Senior Planner Clifford “Cliff” Smith, Jr., of the Planning Department, City of Sarasota, Florida.

5:07:19 P.M.

Attorney Fernandez stated that a total of three Affected Persons are in attendance and can pose questions.

5:07:27 P.M.

Affected Person-1, posed questions to the Appellee’s Expert Witness, Senior Planner Smith, Jr.

5:12:24 P.M.

In response to a question from Commissioner Freeland Eddie to the Appellee’s Expert Witness, Senior Planner Smith, Jr., asking if he had an opinion as to whether or not Staff followed the appropriate procedure with regards to the form used in making the decision about the demolition, the Appellee’s Expert Witness, Senior Planner Smith, Jr., stated absolutely; that Staff was extremely fastidious in making sure that every single process was followed.

5:16:47 P.M.

In response to a question from Vice Mayor Ahearn-Koch asking if the City ever received information about the cost or a quote to move the G.WIZ building, Deputy City Attorney Connolly stated that testimony will be received from William “Bill” Wadill, Managing Director of the SBPO.

5:17:43 P.M.

In response to a question from Attorney Brooks to the Appellee’s Expert Witness, Senior Planner Smith, Jr., asking if he was qualified to judge the architectural significance of the G.WIZ building, the Appellee’s Expert Witness, Senior Planner Smith, Jr., stated that he is not an architect.
5:20:41 P.M.

Interim City Auditor and Clerk Griggs administered an oath to speak during the Quasi-Judicial Public Hearing.

5:21:01 P.M.

Deputy City Attorney Connolly direct-examined the Appellee’s Expert Witness, Sustainability Manager Stephanie “Stevie” Brianne Freeman-Montes of the City Manager’s Office, City of Sarasota, Florida.

5:23:41 P.M.

Attorney Brooks cross-examined the Appellee’s Expert Witness, Sustainability Manager Stephanie “Stevie” Brianne Freeman-Montes of the City Manager’s Office, City of Sarasota, Florida.

Commission recessed at 5:30 P.M. and reconvened at 5:41 P.M.

5:41:46 P.M.

Interim City Auditor and Clerk Griggs administered an oath to speak during the Quasi-Judicial Public Hearing.

5:42:02 P.M.

Deputy City Attorney Connolly direct-examined the Appellee’s Expert Witness, Facilities/Asset Manager Robert “Rob” Schanley, Facilities Division of the City Manager’s Office.

5:50:07 P.M.

In response to a question from Commissioner Shaw to the Appellee’s Expert Witness, Facilities/Asset Manager Schanley about plumbing repairs to be done at the G.WIZ building and stated that the water has been shut off, the Appellee’s Expert Witness, Facilities/Asset Manager Schanley stated that Staff would do minor plumbing repairs at the G.WIZ building; however, the water has since been shut off completely to avoid possible leakages.

5:51:10 P.M.

Deputy City Attorney Connolly continued direct-examination of the Appellee’s Expert Witness, Facilities/Asset Manager Schanley.

5:54:07 P.M.

In response to a question from Vice Mayor Ahearn-Koch to the Appellee’s Expert Witness, Facilities/Asset Manager Schanley about whether the G.WIZ building would fit in with the proposed plans of the SBPO, the Appellee’s Expert Witness, Facilities/Asset Manager Schanley stated that Mr. Waddill was looking at the building to see if it would be usable as part of The Bay study and whether the building could be used in future.

5:55:06 P.M.

Deputy City Attorney Connolly informed the Vice Mayor that the question should be posed to Mr. Waddill.
5:55:18 P.M.

Deputy City Attorney Connolly continued direct-examining of the Appellee's Expert Witness, Facilities/Asset Manager Schanley.

5:59:15 P.M.

Attorney Brooks cross-examined the Appellee's Expert Witness, Facilities/Asset Manager Robert "Rob" Schanley, Facilities Division of the City Manager's Office.

6:01:51 P.M.

In response to a comment from City Manager Barwin that the G.WIZ building has many restrictions, Facilities/Asset Manager Schanley stated absolutely.

6:01:58 P.M.

In response to a request for clarification from Commissioner Freeland Eddie asking if the Invitation To Negotiate (ITN) was to lease space or to renovate the G.WIZ building, the Appellee's Expert Witness, Facilities/Asset Manager Schanley stated that the ITN was to find a new user or purpose for the G.WIZ building.

6:05:21 P.M.

Deputy City Attorney Connolly direct-examined the Appellee's Expert Witness, Building Official Lawrence “Larry” Murphy of the Development Services (DS) Department.

6:08:25 P.M.

Attorney Brooks cross-examined the Appellee's Expert Witness, Building Official Lawrence “Larry” Murphy of the DS Department.

6:09:36 PM.

Deputy City Attorney Connolly direct-examined the Appellee’s Expert Witness, William “Bill” Waddill, Managing Director of the SBPO.

6:29:21 P.M.

In response to a question from Commissioner Brody asking why the matter is being relitigated as related to cost and reuse, Deputy City Attorney Connolly stated that Staff has been informed that this matter will be going to Circuit Court and wanted to avoid having the issue to come back before the Commission.

6:31:27 P.M.

Deputy City Attorney Connolly direct-examined the Appellee’s Expert Witness, Deputy City Manager Marlon Brown of the City Manager’s Office.

6:37:34 P.M.

Attorney Brooks cross-examined the Appellee’s Expert Witness, Deputy City Manager Marlon Brown of the City Manager’s Office.
6:39:10 P.M.

In response to a question from Attorney Brooks to the Appellee’s Expert Witness, Deputy City Manager Brown asking if he thought the G.WIZ building has exceptional architectural significance, the Appellee’s Expert Witness Deputy City Manager Brown stated that he is not an expert in architecture.

6:40:06 P.M.

The Appellee’s Expert Witness, Deputy City Manager Brown stated that Senior Planner Clifford “Cliff” Smith, Jr., of the Planning Department, City of Sarasota, Florida filled out the Historical Structure Form-Exhibit 1, to address questions related to the FMSF; however, the initial application was prepared by Loretta Muldowney, who submitted the form to the State of Florida; that the form was not submitted by the City.

6:40:59 P.M.

In response to a question from Commissioner Freeland Eddie to the Appellee’s Expert Witness, Deputy City Manager Brown asking if he is testifying that what has been filled in on Historical Structure Form-Exhibit 1, by Senior Planner Clifford “Cliff” Smith, Jr., of the Planning Department, City of Sarasota, Florida is not his opinions, and that he was only restating the opinions of Ms. Muldowney from the application she submitted to the State of Florida, the Appellee’s Expert Witness, Deputy City Manager Brown stated correct.

6:41:13 P.M.

The Appellee’s Expert Witness, Deputy City Manager Brown stated that the bottom of the Historical Structure Form - Exhibit 1, is signed by Loretta Muldowney.

6:42:16 P.M.

In response to a comment from Vice Mayor Ahearn-Koch that the belief is she had specifically asked “who wrote this?” as related to the Historical Structure Form-Exhibit 1, and the answer received was Senior Planner Smith, Jr., the Appellee’s Expert Witness, Deputy City Manager Brown stated that Senior Planner Smith, Jr., filled out the Historical Structure Form - Exhibit 1, but was only rewriting what was already on the form.

6:42:42 P.M.

In response to a comment from Commissioner Brody asking if G.WIZ building is currently on the FMSF, the Appellee’s Expert Witness, Deputy City Manager Brown stated correct.

6:45:42 P.M.

Deputy City Attorney Connolly redirect examination of the Appellee’s Expert Witness, Senior Planner Smith, Jr., about the Historical Structure Form-Exhibit 1.

6:50:35 P.M.

Attorney Fernandez stated that the next item would be to grant testimony with a timeframe of 10 minutes to Affected Persons status; that three people have signed up as Affected Persons status to present their cases-in-chief.
Commission recessed at 6:51 P.M. and reconvened at 7:02 P.M.

7:03:12 P.M.

Affected Person-1, testimony received.

7:05:59 P.M.

Affected Person-2, testimony received.

7:08:09 P.M.

Affected Person-3, testimony received.

7:14:55 P.M.

Mayor Alpert stated that three minutes will be granted for Citizens Input.

7:14:57 P.M.

Citizens' Input received, and Attorney Fernandez stated for the record that one person was unable to stay and has submitted their written statement for the record.

7:30:48 P.M.

Attorney Fernandez stated that Affected Person(s) who want a Closing Statement or Rebuttal will be granted three minutes. No Affected Person(s) Closing Statement or Rebuttal presented.

7:31:04 P.M.

Deputy City Attorney Connolly called upon the Appellee's Expert Witness, Deputy City Manager Brown for rebuttal.

7:32:03 P.M.

Deputy City Attorney Connolly provided Closing Argument.

7:42:17 P.M.

Attorney Brooks provided Closing Argument.

8:02:50 P.M.

Mayor Alpert closed the Public Hearing.

8:11:00 P.M.

A motion was made by Commissioner Brody, and seconded by Commissioner Freeland Eddie to deny Edward Haas, the Appellant, Appeal regarding the demolition of the original Selby Public/Gulfcoast Wonder and Imagination Zone (G.WIZ) building located at 1001 Boulevard of the Arts.

8:11:14 P.M.

Vice Mayor Ahearn-Koch spoke against the motion.
Commissioner Freeland Eddie spoke in favor of the motion.

Commissioner Shaw voted against the motion for the purpose of continuing to lose the historical value of buildings throughout the City.

The Mayor called for a vote on the motion to deny Edward Haas, the Appellant, Appeal regarding the demolition of the original Selby Public/Gulfcoast Wonder and Imagination Zone (G.WIZ) building located at 1001 Boulevard of the Arts, which carried by a 3-2 vote with Vice Mayor Ahearn-Koch and Commissioner Shaw voting no.

2. **ADJOURN (AGENDA ITEM V)**

Mayor Alpert adjourned the Special Sarasota City Commission Meeting at 8:18 P.M.

LIZ ALPERT, MAYOR

ATTEST:

SHAYLA GRIGGS
INTERIM CITY AUDITOR AND CLERK