AGENDA REQUEST

AGENDA HEADING: Approval of Minutes
COMMISSION MEETING DATE: June 17, 2019
AGENDA ITEM NO: II.1.

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

SUBJECT:
Approval Re: Minutes of the Regular Sarasota City Commission Meeting of May 20, 2019

COMMISSION PRIORITIES:
Business Requirement

EXPLANATION:
N/A

ADMINISTRATION'S RECOMMENDATION:
Recommend to approve the Minutes of the Regular Sarasota City Commission Meeting of May 20, 2019, by consensus.

APPROVAL SUMMARY:

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<th>Approval</th>
<th>Required</th>
<th>Date Completed</th>
<th>Completed By</th>
<th>Status</th>
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<td>Y</td>
<td>06/06/2019</td>
<td>Shayla Griggs</td>
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**AGENDA REQUEST**

**ADDITIONAL EXPLANATION:**

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**HOUSING IMPACT (Per House):**

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**SUPPORT DEPARTMENTS:**

City Auditor and Clerk - Shayla Griggs

**AGENDA DISPOSITION**

**COMMISSION ACTION:**

Final Action Motion: __________________________________________________________

Motion By: ___________________________ Second By: ___________________________

Vote: ______________________________________________________________________
MINUTES OF THE REGULAR SARASOTA CITY COMMISSION MEETING OF MAY 20, 2019

PRESENT: Mayor Liz Alpert, Vice Mayor Jen Ahearn-Koch, Commissioners Hagen Brody, Shelli Freeland Eddie, and Willie Charles Shaw, City Manager Thomas Barwin, City Attorney Robert Fournier, and Interim City Auditor and Clerk Shayla Griggs

ABSENT: None

1:30:53 P.M.

The meeting was called to order by Mayor Alpert at 1:30 P.M.

1:31:13 P.M.

INVOCATION: Interim City Auditor and Clerk Griggs

1:31:25 P.M.

PLEDGE OF ALLEGIANCE: Vice Mayor Ahearn-Koch

1:31:51 P.M.

1. CHANGE TO THE ORDER OF THE DAY:

1:31:58 P.M.

A. Please remove under Consent Agenda No. 1, Item No. IV.A.5., Approval Re: Authorize the Mayor and Interim City Auditor and Clerk to execute the Agreement between the City of Sarasota and Manatee County pertaining to the Lido Beach Mitigation Site, per the request of City Engineer DavisShaw.

1:33:20 P.M.

Mayor Alpert noted Commission consensus to accept the Change to the Order of the Day.

1:33:27 P.M.

2. CITIZENS' INPUT CONCERNING CITY TOPICS (AGENDA ITEM I)

1:33:37 P.M.

Mayor Alpert reminded those wishing to speak about the Pledge of Conduct and read the Pledge of Conduct into the record.

1:34:26 P.M.

Vice Mayor Ahearn-Koch noted clarification on the record about the Pledge of Conduct, which should read “We will not engage in personal attacks.”

1:34:43 P.M.

Martin Hyde, City resident, read a prepared statement, displayed on the Chamber monitors and provided to the Interim City Auditor Clerk a blueberry pie labeled “Humble Pie.”
Michael Holderness provided to the Interim City Auditor and Clerk for distribution to the Commission and for the record printed materials regarding the Lido Beach Mitigation Site and Seagrass.

3. **APPROVAL OF THE MINUTES AGENDA ITEM II-1, 2, AND -3)**

1:53:03 P.M.

A motion was made by Vice Mayor Ahearn-Koch, seconded by Commissioner Shaw, to approve the minutes of the December 3, 2018, Regular Sarasota City Commission Meeting with non-substantive corrections, which carried by a 5-0 vote.

1:53:31 P.M.

Vice Mayor sought Commission consensus for Staff to review the minutes of the March 16, 2019, Special Sarasota City Commission Meeting as the result of substantive findings and place the minutes on the Agenda of the June 03, 2019, Regular Sarasota City Commission Meeting.

1:53:51 P.M.

Mayor Alpert noted Commission consensus for Staff to review the minutes of the March 16, 2019, Special Sarasota City Commission Meeting as the result of substantive findings and place on the Agenda of the June 03, 2019, Regular Sarasota City Commission Meeting.

1:54:03 P.M.

A motion was made by Vice Mayor Ahearn-Koch, seconded by Commissioner Shaw, to approve the minutes of the April 29, 2019, Special Sarasota City Commission Meeting as presented, which carried by a 5-0 vote.

1:54:24 P.M.

4. **CONSENT AGENDA NO. 1 (AGENDA ITEM IV-A)**

1:54:38 P.M.

Mayor Alpert noted Commission consensus to remove from Consent Agenda IV-A, Item No. 1 to afford Citizens’ Input.

2) **Approval Re: Authorize the Mayor and Interim City Auditor and Clerk to execute the Agreement between the City of Sarasota and Vision of Excellence, Inc. D/B/A Apex Tree and Landscape with a total bid amount of $117,260.00 and Mid-Florida Tree Service Inc. with a total bid amount of $119,750.00 for City-Wide Tree and Palm Maintenance Services (RFP #19-07TS) - Presenter(s): Parks and Recreation Director Fogle (Agenda Item IV-A-2)**

3) **Approval Re: Authorize the Mayor and Interim City Auditor and Clerk to execute the Agreement between the City of Sarasota and D. L. Porter Constructors, Inc., (BID #19-02JS) for Park Renovations at the Dr. Martin Luther King, Jr. Park in the amount of $246,603.74 - Presenter(s): Parks and Recreation Director Fogle and Office of Housing & Community Development Interim General Manager Emshoff (Agenda Item IV-A-3)**
4) Approval Re: Authorize the Mayor and Interim City Auditor and Clerk to execute the Second Extension of Agreement between the City of Sarasota and C-Squared Certified General Contractor, Inc., (BID #16-43BK) for City-Wide Calming Construction Services amount not to exceed $40,000.00 per year - Presenter(s): Planner Kelly (Agenda Item IV-A-4)

6) Approval Re: Authorize the Mayor and Interim City Auditor and Clerk to execute the Joint Participation Agreement between the City of Sarasota and The State of Florida Department of Transportation for the CEI costs for the U.S. 41 and Fruitville Road Roundabout Construction in the amount of $400,000.00 - Presenter(s): City Engineer DavisShaw (Agenda Item IV-A-6)

7) Approval Re: Authorize the Mayor and Interim City Auditor and Clerk to execute the Second Extension of Agreement between the City of Sarasota and B&E Signal and Lighting Inc., (BID #16-36BK) for Traffic Signal Communications and Street Light Installation Services in the amount of $392,000.00 - Presenter(s): City Engineer DavisShaw (Agenda Item IV-A-7)

8) Approval Re: Authorize the Mayor and Interim City Auditor and Clerk to execute Change Order No. 2 between the City of Sarasota and APTIM Environmental & Infrastructure, Inc., (RFP #14-55LKD) for Extended Construction Services pertaining to the Lido Beach Project in the amount of $47,456.00 - Presenter(s): City Engineer DavisShaw (Agenda Item-IV-A-8)

9) Approval Re: Authorize the Mayor and Interim City Auditor and Clerk to execute the Second Amendment to and Second Extension of Agreement between the City of Sarasota and Superior Asphalt, Inc., (BID #17-33JS) for Annual Street Resurfacing Projects in the amount of $595,872.55 - Presenter(s): Public Works General Manager DelRossi (Agenda Item IV-A-9)

10) Approval Re: Authorize the Mayor and Interim City Auditor and Clerk to execute the First Amendment to Agreement between the City of Sarasota and Magnum Builders of Sarasota, Inc., (RFP #17-26CM) pertaining to the Van Wezel Portico Project in the amount of $346,564.00 - Presenter(s): General Manager Becich (Agenda Item-IV-A-10)

1:55:02 P.M.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Ahearn-Koch, and carried by a 5-0 vote to approve Consent Agenda No. 1, Item Nos. 2 through 4, and 6 through 10.

1:55:17 P.M.

5. ITEM REMOVED FROM CONSENT AGENDA NO. 1 (AGENDA ITEM IV-A)

1) Approval Re: Authorize the Mayor and Interim City Auditor and Clerk to execute the Agreement between the City of Sarasota and Plant Parents of Sarasota, Inc., (RFP #19-17CM) for Downtown Ornamental Plant Installation and Maintenance Services in the estimated amount of $471,352.00 - Presenter(s): Downtown Improvement District Operations Manager Moran (Agenda Item IV-A-1)

1:55:49 P.M.

Citizens' Input received.
City Manager Barwin stated that the Agreement between the City and the Plants of Parents of Sarasota, Inc., for Downtown Ornamental Plant Installation and Maintenance Services was asked to be considered by the Downtown Improvement District (DID), which is a group of Downtown businesses who have taxed themselves.

John Moran, Operations Manager, Downtown Improvement District (DID) came before the Commission, to address concerns voiced during Citizens’ Input.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Ahearn-Koch, and carried by a 5-0 vote to approve Item No. 1.

6. CONSENT AGENDA NO. 2 (AGENDA ITEM IV-B)

Commissioner Freeland Eddie requested from Consent Agenda IV-A, Item No. 1, to be removed for discussion and to afford Citizens’ Input, and Commissioner Brody requested Item No. 7, be removed.

Interim City Auditor and Clerk Griggs read proposed Resolution Nos. 19R-2809, 19R-2810, 19R-2811, 19R-2812, 19R-2813, and proposed Ordinance No.19-5280, by titles only.

2) Adoption Re: Proposed Resolution No. 19R-2809, authorizing the execution by the Mayor and Attestation by the City Auditor and Clerk on behalf of the City of Sarasota, Florida of the Joint Participation Agreement between the Florida Department of Transportation and the City of Sarasota for the CEI Phase for the roundabout on US 41 at Fruitville Road, etc. (Title Only) in the amount of $400,000.00 (Agenda-Item-IV-B-2)

3) Adoption Re: Proposed Resolution No. 19R-2810, supplementing the Bond Resolution herein described; authorizing the issuance under the provisions of Section 211 of the herein defined Bond Resolution, of not exceeding $26,000,000.00 Water and Sewer System Revenue Refunding Bond, Series 2019, of the City of Sarasota, Florida for the purpose of refunding all of the City’s Taxable Water and Sewer System Revenue Bonds, Series 2010B (Federally Taxable - Build America Bonds - Direct Subsidy); authorizing the negotiated sale of such bond to Sterling National Bank; appointing an escrow holder; making certain Covenants and Agreements for the benefit of the holder of such bond, etc. (Title Only) (Agenda-Item-IV-B-3)

4) Adoption Re: Proposed Resolution No. 19R-2811, providing that the City Commission shall hold and attend a Joint Meeting; providing that such meeting shall be for the purpose of discussing Regional Transportation Planning held jointly with the Town of Longboat Key Commission; providing that matters of mutual interest may be received, discussed and acted upon at such Joint Meeting; providing the
date and time for such Joint Meeting; providing the location of such Joint Meeting, etc. (Title Only) (Agenda Item IV-B-4)

5) Adoption Re: Proposed Resolution No. 19R-2812, amending the budget for the fiscal year beginning October 1, 2018 by providing for supplemental appropriations in the amounts identified in Exhibit A; providing for severability if any of the parts hereof are declared invalid, etc. (Title Only) will modify the original approved budget of $55,250.00 for fiscal year 2018-2019 (Agenda Item IV-B-5)

6) Adoption Re: Proposed Resolution No. 19R-2813, amending the budget for the fiscal year beginning October 1, 2018 by providing for supplemental appropriations in the amounts identified in Exhibit A; providing for severability if any of the parts hereof are declared invalid, etc. (Title Only) will increase the original approved budget by $4,879,938.00 in expenditures utilizing fund balance for fiscal year 2018-2019 (Agenda Item-IV-B-6)

8) Adoption Re: Second reading of proposed Ordinance No. 19-5280, amending Rezone Ordinance Amendment Ordinance No. 07-4767 which, pursuant to Application No. 07-ROA-02 rezoned approximately 7.84 +/- acres of real property located at the Northeast corner of University Parkway and Airport Circle with street addresses of 965 and 975 University Parkway, as well as 995 Airport Circle, from the Governmental (G) Zone District to the Intensive Commercial District (ICD) Zone District and established maximum square footage for office uses and a maximum number of hotel rooms so as to substitute new development limitation upon the rezoned property by reducing the maximum square footage of professional office space from 200,000 square feet to 171,250 square feet and concurrently increasing the maximum number of hotel rooms from 200 to 300; approving Site Plan Application No. 18-SP-10 which will authorize construction of 300 hotel rooms on the subject parcels of property; all as more particularly set forth therein, etc. (Title Only) (Application No. 18-ROA-01, Applicant Donald A. Neu, AICP, of NeuMorris, LLC, as agent representing Sarasota Manatee Airport Authority as the fee simple owner, and SRQ2, LLC, SRQ 3, LLC and SREH Sarasota, LLC, as the tenants) (Agenda-Item-IV-B-8)

2:07:12 P.M.

A motion was made by Commissioner Freeland Eddie, seconded by Vice Mayor Ahearn-Koch and carried by a 5-0 vote to approve Consent No. 2, Items Nos. 2 through 6, and 8.

2:07:23 P.M.

7. ITEMS REMOVED FROM CONSENT AGENDA NO. 2 (AGENDA ITEM IV-B)

1) Adoption Re: Proposed Resolution No. 19R-2802, creating the "Affordable Housing Construction and Rehabilitation Program Trust Fund" (hereinafter "Housing Fund") within the fiscal year 2018-2019 Annual Budget and Future Annual Budgets; specifying the purpose of the "Housing Fund"; specifying the initial deposit into said fund as well as future deposits into said fund; specifying uses for appropriations from the "Housing Fund", etc. (Title Only) (Agenda Item IV-B-1)

2:08:05 P.M.

Citizens' Input received.
2:12:39 P.M.

Commissioner Freeland Eddie voiced concern about a discrepancy between the parameters of the initial Affordable Housing Initiative and actual language in proposed Resolution No. 19R-2802; that the broad parameters are necessary to allow for-profit developers to develop smaller lots and be engaged in bringing attainable housing to the community, which should not be eliminated as long as the boundaries are followed in the proposed Resolution and the Interlocal Agreement.

2:15:29 P.M.

City Manager Barwin stated that the general parameters are ideas and are used as a foundation starting place, which is why proposed Resolution No. 19R-2802 is not specific and could allow for flexibility in considering all options; that proposed Resolution No. 19R-2802 can come back before the Commission with specific action options as to how to implement this initiative; however, the first priority was to establish the fund.

2:16:33 P.M.

Interim City Auditor and Clerk Griggs read proposed Resolution No. 19R-2802 by title only.

2:17:16 P.M.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Ahearn-Koch, to adopt proposed Resolution No. 19R-2802, which carried by 5-0 vote.

2:18:11 P.M.

2) Adoption Re: Proposed Resolution No. 19R-2814, amending the budget for the fiscal year beginning October 1, 2018 by providing for supplemental appropriations in the amounts identified in Exhibit A; providing for severability if any of the parts hereof are declared invalid, etc. (Title Only) will increase the original approved budget by $150,000.00 in expenditures, utilizing fund balance for fiscal year 2018-2019 for Cultural Special Events Grant Program (Agenda Item IV-B-7)

2:18:30 P.M.

Interim City Auditor and Clerk Griggs read proposed Resolution No. 19R-2814, by title only.

2:18:57 P.M.

Commissioner Brody stated that the item was removed due to previously voting no; that the belief is any Consent item(s) which previously received a no vote should be placed under Unfinished Business instead of under Consent and Staff was informed.

2:19:21 P.M.

Deputy City Manager Marlon Brown, City Manager’s Office, came before the Commission and stated that this is not a second reading, which would normally be under Unfinished Business; however, if this is the Commission desires for future Resolutions, then the item(s) will be placed under Unfinished Business, when there was previously a no vote.

2:19:50 P.M.

Mayor Alpert stated that lengthening meetings by adding items under Unfinished Business is unfavored since a request can be made to still have the item be removed.
2:20:40 P.M.

City Attorney Fournier stated that in limited circumstances when a proposed Resolution(s) had a prior vote authorizing for the item to come back, then Commissioner Brody's point is well-taken, although this is comparatively rare if a no vote is taken; that Staff could place the item under Unfinished Business.

2:21:03 P.M.

Vice Mayor Ahearn-Koch stated that Commissioners may change their vote, so the Item(s) should remain under Consent and be removed to vote no.

2:23:51 P.M.

Mayor Alpert noted Commission consensus for Items which received a no vote to remain under Consent.

2:25:24 P.M.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Ahearn-Koch, to adopt proposed Resolution No. 19R-2814, which carried by a 4-1 vote, with Commissioner Brody voting no.

2:25:41 P.M.

8. **UNFINISHED BUSINESS (AGENDA ITEM VI)**

1) **APPROVAL RE: AUTHORIZE THE MAYOR TO SIGN A LETTER TO THE SARASOTA COUNTY BOARD OF COUNTY COMMISSIONERS REQUESTING COUNTY STAFF WORK WITH CITY STAFF TO ESTABLISH A "HOME RULE" TAX INCREMENT FINANCING (TIF) DISTRICT (AGENDA ITEM VI-1)**

2:26:01 P.M.

Assistant City Manager John Lege, III, City Manager's Office and William "Bill" Waddill, Managing Director of The Bay Park Conservancy (BPC), Inc., came before the Commission.

2:26:18 P.M.

Mr. Lege stated that this is a request for the Commission to approve for the Mayor to sign a letter to the Sarasota Board of County Commissioners (BCC) requesting County Staff be allowed to work with City Staff to establish a "Home Rule" Tax Increment Financing (TIF) District.

2:29:32 P.M.

Commissioner Shaw stated that the preference is for the proposed TIF District boundary to be moved further North to include the Newtown Community Redevelopment Area (CRA) since the Newtown CRA was created during the economic downturn and Newtown is unable to grow without TIF funds.

2:31:11 P.M.

Vice Mayor Ahearn-Koch stated that she had a similar thought, such as possibly extracting a certain percentage of the TIF funds which can be dedicated to reinvesting into other parks and developing connectivity between parks since the focus of building The Bay is for the people of the community.
Commissioner Shaw stated that the desire is to go beyond parks; that zip codes 34236 and 34237 should be included, so the people and jobs created can be maintained while also retaining the properties and increasing the value, which will be more inclusive of those individuals living within the Newtown CRA.

Commissioner Freeland Eddie stated that the belief is there may be ways to have the letter drafted broad enough to encompass what is permissible by the State Statute as related to the use of TIF dollars, and perhaps at a later date the Commission could decide where to use the percentage of the City's TIF dollars to address specific areas, which could be parks, or perhaps other areas besides parks.

Mr. Waddill referred to an aerial map displayed on the Chamber monitors and provided a brief overview of the proposed TIF District purpose and early discussions had with the BCC and their staff.

Vice Mayor Ahearn-Koch stated that the Rosemary District has been asking for parks and should be kept in mind.

City Manager Barwin stated that the belief is there are several legal issues related to the issue which will need to be reviewed by specialized attorneys.

Mayor Alpert stated that all of the ideas are worthy; however, the creation of the TIF is to fund The Bay project and the concern is if a portion of the funding is going elsewhere, then the Commission will have a difficult time procuring bonding for achieving the desired goals of the Sarasota Bayfront.

Commissioner Shaw stated that “Home Rule” begins with people on the lowest level whom the Commission should be looking out for; that the desire is to remove crime and blight and there is no better time than now with the TIF, if not, then the same problem will continue; that an opportunity exists to create more than a 53-acre park.

City Manager Barwin stated that Staff needs to send the letter to the BCC to afford discussion and to proceed intentionally and carefully in order to achieve positive initiatives.

Messrs. Lege and Waddill left the Dias.

Citizens' Input received.
2:55:03 P.M.

Messrs. Lege and Waddill returned to the Dias.

2:55:14 P.M.

Mr. Lege stated that Commission’s input is appreciated and will be shared with the County, although the County’s thought has been the TIF District would be more of a restricted area; however, if this is the direction of the Commission, then Staff will bring forth the ideas about expanding the TIF District with the County since the letter will allow for such discussions to commence.

3:02:22 P.M.

Commissioner Freeland Eddie stated that the belief is the Commission can strategically decide where to allocate the City’s portion of the TIF dollars as policymakers.

3:04:52 P.M.

Commissioner Shaw reiterated about the inclusion of Newtown which should not be slighted as in the past.

3:08:04 P.M.

A motion was made by Commissioner Shaw, seconded by Vice Mayor Ahearn-Koch, and carried by a 4-1 vote, with Commissioner Brody voting no, to authorize the Mayor to sign a letter to be sent to the Sarasota County Board of County Commissioners (BCC) requesting County Staff work with City Staff to establish a “Home Rule” Tax Increment Financing (TIF) District, with the inclusion of the ideas discussed.

3:08:50 P.M.

A) ADOPTION RE: SECOND READING OF PROPOSED ORDINANCE NO. 19-5275, AMENDING ARTICLE IV OF THE ZONING CODE OF THE CITY OF SARASOTA TO PROVIDE THAT A NOTICE OF FILING SHALL BE SENT TO ALL PERSONS OWNING PROPERTY WITHIN 500 FEET OF A PROPERTY WHICH IS THE SUBJECT OF AN APPLICATION FOR ADMINISTRATIVE SITE PLAN APPROVAL IN THE DOWNTOWN ZONE DISTRICTS; TO PROVIDE THAT ALL APPLICATIONS FOR ADMINISTRATIVE SITE PLAN APPROVAL IN THE DOWNTOWN ZONE DISTRICTS SHALL BE REFERRED TO THE DEVELOPMENT REVIEW COMMITTEE AND TO PROVIDE THAT A NOTICE OF APPROVAL OR DENIAL OF THE ADMINISTRATIVE SITE PLAN APPLICATION SHALL BE SENT TO ALL PERSONS WHO RECEIVED A NOTICE OF FILING; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT, ETC. (TITLE ONLY) (AGENDA-ITEM-VI-2)

3:09:06 P.M.

Interim City Auditor and Clerk Griggs read proposed Ordinance No. 19-5275 by title only.

3:10:05 P.M.

City Attorney Fournier provided a brief overview of proposed Ordinance No. 19-5275, and stated that there are two changes from the first reading as related to the Applicant’s risk of proceeding in the event of an appeal, which is outlined and included in the Agenda backup material.
3:18:07 P.M.

In response to a question from Vice Mayor Ahearn-Koch asking if a developer proceeds with construction and loses an appeal, are they required to take it down the project, City Attorney Fournier stated that under certain circumstances, they might be; however, proposed Ordinance No. 19-5275 protects the City should a developer decide to move forward with a project.

3:19:02 P.M.

In response to a question from Commissioner Freeland Eddie about the consistency of how the Notice of Filing and Notice of Approvals are disseminated, City Attorney Fournier stated that the process is consistent.

3:23:10 P.M.

Citizens’ Input received.

3:27:13 P.M.

A motion was made by Vice Mayor Ahearn-Koch, seconded by Commissioner Shaw, and carried by a 5-0 vote to adopt proposed Ordinance No. 19-5275 on second reading.

3:27:39 P.M.

9. **REMARKS OF COMMISSIONERS, ANNOUNCEMENTS AND ITEMS FOR NEXT AGENDA (AGENDA VII)**

4:02:03 P.M.

**COMMISSIONER SHAW:**

Remarks received.

4:04:45 P.M.

**COMMISSIONER FREELAND EDDIE:**

Remarks received and stated that the hope is for Staff to provide an answer to the speaker who spoke under Citizens’ Input as related to the issue regarding the advertisement of Luxury Home Rentals, and asked the Deputy City Manager when an update will be provided to the Commission regarding the United States 2020 Census and when will conversations take place with the County.

Deputy City Manager Marlon Brown, City Manager’s Office, came before the Commission, and stated that the Manager of Long-Range Planning will be dialoguing with the County; that an item will be placed on a future Agenda regarding the United States 2020 Census once confirmation has been received from the Manager of Long-Range Planning.

4:07:03 P.M.

**COMMISSIONER BRODY:**

Remarks received, and acknowledged and extended condolences to the family of Roman Miller, the nine-year-old boy who died as the result of a being hit by a car while riding his bicycle to school.
VICE MAYOR AHEARN-KOCH:

Remarks received and asked the City Attorney about Citizens ability to request to have item(s) removed from the Consent Agenda.

City Attorney Fournier stated that due to Florida's Government-in-the-Sunshine Law change anyone can speak to a proposition on the Agenda; that a member of the public will often contact a Commissioner indicating they would like to speak to an item(s), which would be removed by a Commissioner, and Vice Mayor Ahearn-Koch stated that the belief is the City of Sarasota Rules of Procedure for City Commission Meetings should be updated to reflect the change.

4:10:05 P.M.

City Attorney Fournier stated that Staff will review.

4:10:56 P.M.

MAYOR ALPERT

Remarks received.

3:27:39 P.M.

10. OTHER MATTERS/ ADMINISTRATIVE OFFICERS (AGENDA ITEM VIII)

3:27:48 P.M.

DEPUTY CITY MANAGER BROWN:

Remarks received and distributed to the Commission and for the record printed material entitled "Upcoming City Commission Meetings-Major Consent and Discussion Agenda Items".

3:32:21 P.M.

Mayor Alpert sought Commission consensus to place on a future Agenda further discussion of the Fruitville Streetscape Enhancement Project (No Action Taken).

4:00:45 P.M.

CITY MANAGER BARWIN:

Remarks received.

4:06:22 P.M.

CITY ATTORNEY FOURNIER:

Remarks received and asked if the Commission would like for Staff to address the matter presented by the speaker under Citizens' Input regarding the definition for veterinary clinics, and City Manager Barwin stated that Staff will follow up.

The Commission recessed at 4:11 P.M. and reconvened at 6:03 P.M.
6:03:12 P.M.

Mayor Alpert requested the City Manager to explain the room capacity in the Chambers and to direct individuals standing to go to either Room 112 or the SRQ Media Studio, which has seats and televisions.

6:03:25 P.M.

City Manager Barwin stated that the Chambers has a capacity of 225 and 147 seats, which means the standing room is limited to 78 persons; therefore approximately 50% of the individuals standing must relocate to either Room 112 or the SRQ Media Studio.

6:07:48 P.M.

Mayor Alpert gaveled due to noise.

6:08:55 P.M.

11. **CITIZENS’ INPUT CONCERNING CITY TOPICS (AGENDA ITEM XI)**

6:09:19 P.M.

Mayor Alpert reminded those wishing to speak about the Pledge of Conduct and read the Pledge of Conduct into the record.

6:10:01 P.M.

Mayor Alpert noted Commission consensus to move Citizens’ Input Concerning City Topics, Agenda Item XI, before the Scheduled Presentations, Agenda Item X, Item No. X-1, Report Re: Report from the Board of County Commissioners Chairman Hines.

6:09:58 P.M.

Citizens’ Input received.

6:12:51 P.M.

Mayor Alpert gaveled due to applause.

6:13:18 P.M.

Citizens’ Input continued and received.

6:15:43 P.M.

Mayor Alpert gaveled and stated that Carl Shoffstall’s, Chair of the Parks, Recreation, and Environmental Protection (PREP) Advisory Board, statement is unable to be received due to the Payne Park discussion.

6:16:06 P.M.

12. **SCHEDULED PRESENTATIONS (AGENDA ITEM X)**

1) **REPORT RE: REPORT FROM THE BOARD OF COUNTY COMMISSIONERS CHAIRMAN CHARLES HINES (AGENDA ITEM X-1)**
Charles Hines, Chair and Commissioner, Sarasota Board of County Commissioners (BCC), came before the Commission, provided a brief update on shared issues, and stated that on June 05, 2019, Sarasota County is hosting a Water Quality Summit at Riverview High School and the hope is the Commission can attend or send representatives.

In response to questions from Vice Mayor Ahearn-Koch asking about the timeline for the Sewer to Septic Program and the number to be converted, BCC Chairman Hines stated that currently 10,000 have been taken off-line and is on-going; that unfortunately a timeline cannot be provided.

In response to a comment and question from Commissioner Freeland Eddie that citizens are concerned about the impact of the direction given by the BCC to County Staff to begin redistricting in advance of the Census count for 2020 and requested meetings, hearings or discussions to be held at times when residents and the Commission can participate, BCC Chairman Hines stated that the BCC did not direct County Staff to do the redistricting; that County Staff was instructed to provide the BCC with information about the population within the Districts, in order to make a decision as to whether redistricting should be considered; that the numbers have been provided and redistricting will be under consideration this week; that an email will be sent to the Commission.

In response to a comment from Commissioner Shaw about the issues related to the additional “Mom and Pop” homes or accessory dwellings being used as short-term rentals, BCC Chairman Hines stated the homes being used as vacation-type rentals is undesired; however, accessory dwellings are for individuals looking for a longer-term lease which the County favors.

Mayor Alpert on behalf of the Commission thanked BCC Chair Hines for the report.

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

Interim City Auditor and Clerk Griggs read the Pledge of Conduct and administered an oath to persons wishing to speak during the Public Hearing.
Interim City Auditor and Clerk Griggs read proposed Ordinance No. 19-5289 by title only.

City Attorney Fournier provided a brief overview of the decision-making process for using a Home Rule Ordinance opposed to an Ordinance that was enacted pursuant to the authority of Section 901.41 Florida Statutes.

Assistant City Attorney Joe Mladinich, City Attorney’s Office, came before the Commission and provided a brief overview of the six parameters of where the Civil Citation will be applicable, which can be found under Section 21-10(b) of the Sarasota City Code (1986 as amended) (City Code) in the Agenda backup material as follows:

Possession of cannabis or cannabis paraphernalia, shall be unlawful and punishable by a Civil Citation provided the following elements are met:

1. The Individual in possession is over the age of eighteen (18);
2. The cannabis weighs less than twenty (20) grams;
3. The individual was not ingesting, inhaling, vaping, smoking, consuming or otherwise introducing cannabis into the human body, or in possession of burnt cannabis, on any public property or on any private property held open to the public;
4. The possession of cannabis or cannabis paraphernalia was not in a form, or being possessed in a manner, which constitutes a felony under State law;
5. The individual cited has never previously been charged with a violation City Code Sec. 21-10, unless the individual was charged, and the violation was dismissed; and,
6. The individual was not committing any other criminal offense at the time of violation.

In response to a question from Vice Mayor Ahearn-Koch about draft language stating over the age of 18 versus stating 18 and older in the proposed Ordinance, Mr. Mladinich stated that the person should be at least 18 years of age and this can be worded differently for clarity and to eliminate confusion.

In response to a comment from Commissioner Freeland Eddie that the belief is the mention of the Civil Citation under Florida Statute 985.12 for juveniles needs to be included in the proposed Ordinance; that Police Officers involved with minors should be made aware of another option, Mr. Mladinich stated that Police Officers can be trained, and City Attorney Fournier stated that the Statute reference could be included in the proposed Ordinance.

Commissioner Brody thanked City Attorney Staff for working on the proposed Ordinance and stated that the term Cannabis and Marijuana, as mentioned in the definitions, are often interchangeable, and the preference is to be clear; that the reference is to "Medical Marijuana" which is defined by Florida Statute 381.986, Mr. Mladinich stated that the Statute is referenced for added clarification and "Medical Marijuana" is listed in parentheses; however, the suggestion is welcome.
7:06:30 P.M.

Commissioner Brody stated that a recommendation would be for the City's Police Complaint

7:07:17 P.M.

City Attorney Fournier stated that the PCC is generally only provided numbers and not the names of individuals, therefore the belief is confidentiality will be enacted, which is a valid concern.

7:15:06 P.M.

The Mayor closed the Public Hearing.

7:15:12 P.M.

A motion was made by Commissioner Brody, seconded by Commissioner Shaw, to pass proposed Ordinance No.19-5289 on first reading, which carried by a 5-0 vote.

7:16:25 P.M.

Deputy City Manager Marlon Brown, City Manager’s Office, came before the Commission and stated that the Fire Marshall is on the way and directed individuals standing in the Chambers to either go to Room 112 or the SRQ Media Studio.

7:17:43 P.M.

The Commission recessed at 7:17 P.M. and reconvened at 7:31 P.M.

7:32:08 P.M.

14. **UNFINISHED BUSINESS (AGENDA ITEM XIII)**

   1. **APPROVAL RE: UPDATE ON THE SARASOTA ORCHESTRA'S VISION FOR A NEW MUSIC CENTER AT PAYNE PARK (AGENDA ITEM XIII-1)**

7:32:08 P.M.

Joseph McKenna, President & CEO and Bharat Chandra, Principal Clarinetist, Sarasota Orchestra, Tom Ryan, Chair-Elect, Sarasota Orchestra Board of Directors, and Matt Clear, Principal, Regional Director, HKS Architects, came before the Commission.

7:32:27 P.M.

City Manager Barwin provided a brief overview and introduced the Sarasota Orchestra.

7:37:02 P.M.

City Attorney Fournier stated that the belief is an argument could be made to allow for a relocation which would be consistent with the deed restriction, although the success is unknown due to the likelihood of counter-arguments.

7:38:52 P.M.

Mr. Ryan provided a brief overview and introduction of the Sarasota Orchestra’s relocation needs and concerns.
7:42:22 P.M.

Mr. McKenna referred to a PowerPoint presentation entitled “Sarasota Orchestra” and provided a brief overview of the Orchestra’s programs and events within the community and partnership.

7:45:10 P.M.

Mr. Chandra provided a brief overview about his experience as Principal Clarinetist with the Sarasota Orchestra and vision for a new Music Center.

Interim City Auditor and Clerk Griggs left the Dias at 7:51 P.M. and returned at 7:52 P.M.

7:51:12 P.M.

Mayor Alpert gavelled due to applause in the audience.

7:51:20 P.M.

Mr. McKenna continued the presentation and referred to a slide entitled “Principles and Goals.”

7:58:52 P.M.

Mr. Clear presented and referred to a slide entitled “Clarifications.”

8:07:13 P.M.

Mr. McKenna concluded the presentation and asked the Commission the following questions:

- Is the Commission in agreement with the City Attorney’s legal opinion regarding the deed?
- Does the Commission support using part of Payne Park for a Music Center?
- Is the Commission willing to direct City Staff to work on the proposed Music Center?

8:11:10 P.M.

In response to questions from Commissioner Freeland Eddie about other parcels considered, number of parcels narrowed down from 13 to two and arriving at the decision that Payne Park is the best location, Mr. McKenna stated that the goal is to stay in the City and briefly explained how they arrived their decision.

8:17:29 P.M.

In response to a question from Vice Mayor Ahearn-Koch to the City Attorney asking if the Commission approves the vision of the Sarasota Orchestra, will the City be held liable for the work completed, such as Traffic and Parking Studies, similar to the Lido Beach Pavilion should the project not move forward and is withdrawn, City Attorney Fournier stated the basis for the Lido Beach Pavilion result was the developers were selected as a result of a competitive solicitation, which was initiated by the City, and those circumstances are not applicable for the Sarasota Orchestra; however, the larger concern would be the two agreements to be negotiated: 1) Relocation Agreement, and 2) Long-term Lease Agreement, which would require four votes should the lease exceed 10 years.
8:20:56 P.M.

City Manager Barwin stated this would also be subject to a Site Plan (SP) Review as well, and City Attorney Fournier stated that in addition to the two Agreements, compliance with the City’s Zoning Code requirements would be necessary.

8:23:44 P.M.

City Attorney Fournier stated there is a lesson to be learned from the Lido Beach Pavilion issue which is to consider the SP and Lease simultaneously, assuming this proposal is moved forward.

8:24:03 P.M.

Mayor Alpert stated that numerous emails were received questioning why the Sarasota Orchestra was not relocating to the Robarts Arena site, Mr. McKenna stated that site was explored extensively, along with complete historical research; however, the former County-owned land was granted to the Sarasota Agricultural Fair Association, Inc. with very detailed terms, and the Sarasota Orchestra’s Taskforce and Board determined the option was not viable.

8:27:24 P.M.

In response to a question from Mayor Alpert asking why the Sarasota Orchestra was not willing to stay at The Bay location, Mr. McKenna stated that issues with The Bay location were covered extensively at the February 26, 2019, Sarasota City Commission Workshop; that timeliness is an issue since building out the Bayfront will take approximately 10 to 20 years and the Sarasota Orchestra is currently looking for a site; that timeliness is also a key factor for potential legacy donors, as well as issues regarding traffic/congestion, and sea level rise.

8:31:54 P.M.

Messrs. Clear, McKenna, Chandra, and Ryan left the Dias.

8:34:22 P.M.

Citizens’ Input received.

8:37:05 P.M.

Mayor Alpert gaveled due to applause in the audience.

8:37:09 P.M.

Citizens’ Input received continued.

8:50:34 P.M.

Mayor Alpert gaveled due to applause in the audience.

8:54:00 P.M.

Cindy Eley, City resident, provided a white binder containing documents opposing the use of Payne Park for the Sarasota Orchestra’s new Music Center to the City Auditor and Clerk for distribution to the Commission and for the record.
8:57:16 P.M.

Citizens’ Input received continued.

9:17:53 P.M.

Alice Sundstrom, City resident, provided to the Interim City Auditor and Clerk for distribution to the Commission and for the record a signed Petition with 77 signatures opposing the use of Payne Park for the Sarasota Orchestra’s new Music Center.

9:20:57 P.M.

Citizens’ Input received continued.

Commissioner Brody left the Chambers at 9:23 P.M. and returned at 9:25 P.M.

10:10:30 P.M.

The Commission recessed at 10:10 P.M. and reconvened at 10:20 P.M.

10:20:46 P.M.

Mayor Alpert stated that many speakers remain; however, individuals can choose to have someone to speak on their behalf, if desired; that the expectation is the meeting will continue until the early morning.

Commissioner Shaw returned to the Chambers at 10:21 P.M.

10:24:20 P.M.

Citizens’ Input received continued.

10:27:32 P.M.

Kathleen Shumate, Descendant of Ralph Waldo Emerson and Great, Great Granddaughter of Calvin Payne, read a prepared statement indicating the gift of Payne Park as she understands is not a gift in keeping with the Emerson Thoreau Policy, taking a piece of Payne Park does not benefit all the citizens of Sarasota, Florida and is a dishonor to her Great, Great Grandfather, the hope is the Sarasota Orchestra would find another place.

11:01:30 P.M.

Larry Silvermintz, President of Alta Vista Neighborhood Association, provided a written statement to the Interim City Auditor and Clerk to read into the record on his behalf.

11:06:02 P.M.

Citizens’ Input received continued.

11:07:01 P.M.

Mollie Cardamone, former Mayor and Commissioner displayed a photograph of the former trailer park located in Payne Park before renovations on the Chamber monitors.
11:10:20 P.M.

Elizabeth Gomez-Mayo, Attorney for Preserve Payne Park group, provided a letter to the Interim City Auditor and Clerk for the record which was previously was emailed to the Commission.

11:13:25 P.M.

Citizens’ Input received continued.

11:35:31 P.M.

A motion was made by Commissioner Shaw, seconded by Mayor Alpert to not accept additional Request to Speak Cards for Citizens’ Input for Agenda Item No. XIII.1, Approval Re: Update on the Sarasota Orchestra’s Vision for a New Music Center at Payne Park, which failed by a 2-3 vote, with the Vice Mayor Ahearn-Koch and Commissioners Brody and Freeland Eddie voting no.

11:37:38 P.M.

Citizens’ Input received continued.

11:55:56 P.M.

Fiona Dias provided to the Interim City Auditor and Clerk for distribution to the Commission and for the record printed materials which was displayed on the Chamber monitors.

11:59:01 P.M.

Citizens’ Input received continued.

12:32:01 A.M.

Mr. McKenna returned to the Dias to address questions as the result of Citizens’ Input.

12:36:03 A.M.

City Manager Barwin stated the Commission has created a Parks and Recreation Department to pay more attention to parks and provided examples of recent initiatives and actions taken in support of parks within the City.

12:38:29 A.M.

Mayor Alpert read an email into the record which was sent to the Commission from former Commissioner and Sarasota Board of County Commissioners (BCC) Vice Chair and Chair Paul Caragiulo, who favors the Sarasota Orchestra’s vision.

12:40:49 A.M.

Mayor Alpert gaveld due to talking in the audience.

12:40:49 A.M.
City Manager Barwin stated that a couple of other park parcels which are not listed in the parks inventory and connected to Payne Park could be viewed for Commission consideration if direction is given.

12:41:32 A.M.

Mayor Alpert stated that the Sarasota Orchestra’s vision for a new Music Center at Payne Park is supported.

12:43:31 A.M.

Mayor Alpert gavelled due to outburst in the audience.

12:48:00 A.M.

Commissioner Freeland Eddie stated that a significant amount of time was spent reviewing the case law provided in the memorandum from the City Attorney and whether the City would survive the kindred use analysis and the language in the deed restriction; that even without any restrictions, based solely upon the vision; that the vision is not supported until questions are answered, although a willingness exists for another conversation.

12:53:38 A.M.

Commissioner Brody stated that the belief is that other options were not intentionally explored thoroughly and stated that moving forward with the proposed Sarasota Orchestra’s vision for a new Music Center at Payne Park is not favored.

12:56:25 A.M.

Vice Mayor Ahearn-Koch voiced concerns about moving forward due to possible legal issues, failure to present more options, lack of information regarding traffic and environmental studies, and the public’s trust of the Commission, and stated that moving forward with the proposed Sarasota Orchestra’s vision for a new Music Center at Payne Park is not favored.

1:04:11 A.M.

Commissioner Shaw stated that Commission would be setting a precedent which should not be set as elected stewards which is the biggest issue; that moving forward with the proposed Sarasota Orchestra’s vision for a new Music Center at Payne Park is not favored.

1:07:14 A.M.

City Manager Barwin stated that the belief is this is a catch-22 for the Sarasota Orchestra and Staff in some ways, because after the first meeting with the public, the Sarasota Orchestra was accused of being presumptive and did not want to be presumptive by presenting alternatives until questions were answered.

1:08:49 A.M.

Mayor Alpert stated that what is being overlooked is the City Attorney’s opinion regarding Section 95.36(1) Florida Statutes; that the deed restriction no longer applies after 30 years and the issue of who would legally have standing to bring forth a lawsuit; that at the February 26, 2019, City Commission Workshop, the Commission was enthusiastic about the idea and proposed location.

1:16:52 A.M.
In response to a question from Commissioner Brody to the City Manager asking his view and role in the matter?

1:17:13 A.M.

Mayor Alpert gavled due to outburst in the audience.

1:17:18 A.M.

City Manager Barwin stated that his role is to facilitate this conversation since this Sarasota Orchestra has been in this community for 70 years; that Staff has provided the Sarasota Orchestra various land options with ample sizes to be examined; however, Sarasota Orchestra requested to appear before the Commission to present their ideas, which were well received at the February 26, 2019, City Commission Workshop and the plan was to come back before the Commission after the City Attorney reviewed the law.

1:19:47 A.M.

Commissioner Brody voiced disappointment as related to the City Manager’s lack of leadership regarding this issue.

1:23:17 A.M.

Vice Mayor Ahearn-Koch stated that she agreed with some of Commissioner Brody’s sentiments regarding the possibility of considering other sites within the City; however, she does not agree with Commissioner Brody’s sentiments regarding his anticipation of what the City Manager was supposed to be doing, since she does recalled the Commission tasking the City Manager with putting a deal together.

1:24:02 A.M.

Mayor Alpert agreed with the Vice Mayor’s statement and stated that to place fault on the City Manager is unfair.

1:26:19 A.M.

A motion was made by Commissioner Shaw to continue the Sarasota Orchestra’s vision for a new Music Center to come back before the Commission with other relocation options, and asked for the motion to be second.

1:27:15 A.M.

Commissioner Brody stated he would only vote for a Continuance of the item in order to seriously consider other sites.

1:28:05 A.M.

In response to a question from Commissioner Shaw to Commissioner Brody asking if he would be seconding the motion for Continuance, Commissioner Brody stated that he will second the motion to Continue the item in order to analyze and address other options in the City.

1:29:11 A.M.
Mayor Alpert stated that a Continuance of the item in order to have questions answered is appropriate; however, the belief is the Payne Park location should not be ruled out.

1:30:22 A.M.

In response to a request and question from Vice Mayor Ahearn-Koch for clarification of the motion and asked if the motion included continuing this proposal and other sites, Commissioner Shaw stated that Payne Park is completely out of the conversation, which is the motion on the floor.

1:30:57 A.M.

Mayor Alpert called for a vote on the motion to continue the Sarasota Orchestra’s vision for a new Music Center to come back before the Commission with other relocation options, which carried by a 4-1 vote, with Mayor Alpert voting no.

1:31:12 A.M.

15. **ADJOURN (AGENDA ITEM XV)**

The Commission adjourned at 1:31 A.M.

LIZ ALPERT, MAYOR

ATTEST:

SHAYLA GRIGGS
INTERIM CITY AUDITOR AND CLERK