

Memorandum

DATE: August 7, 2012

TO: City Council

THROUGH: City Manager Judie Zimomra

FROM: Acting Public Works Director Scott Krawczuk

RE: Dinkins Bayou Restoration Project

RECOMMENDATION: Approve Resolution approving the entire Dinkins Bayou dredging project as a public navigational project

In 2004, the City constructed the Clam Bayou box culvert under San-Cap Road to connect Clam Bayou with Dinkins Bayou. The project was necessary to save the Calm Bayou eco-system by allowing tidal water to flow into and out of the Bayou. Although a successful environmental project, an unintended consequence of the culvert installation is sand and silt washing from Calm Bayou into canals and the waterway on the Dinkins Bayou side of the culvert. At its March 15, 2011 meeting City Council directed staff to prepare plans and cost estimates for permitting, work scope and funding to restore water flow in the canals and waterways impacted by the Clam Bayou box culvert. In April 2011, Council received a status report on the project, including a cost estimate of \$345,000 to perform the work. The City's estimate share of the project cost is \$200,000 which is included in the FY 12 Capital Improvement Budget.

In response to the City's permit application to perform the dredging, the Florida Department of Environmental Protection requested some technical information which staff will provide and one policy question for which staff needs Council direction. Since certain portions of the project are the responsibility of the homeowners, the permit application map distinguished between the public and private portions of the project. If the homeowners are responsible for managing the dredging of the private areas, they would incur additional financial and administrative costs to secure the DEP permit. As an alternative, the City could choose to pursue the entire project on behalf of the private citizens as a "public navigational project". If this arrangement is agreeable to Council, a resolution indicating that the entire project is a public navigational project has been prepared.

Staff recommends that City Council:

- Approve resolution indicating that the entire Dinkins Bayou dredging project is a public navigational project in order to proceed with securing the necessary permitting
- Direct staff to study options for securing the property owners share of the total dredging cost and options for proceeding with the City portion if a consensus cannot be not reached with the private property owners

cc: City Attorney Ken Cuyler
Finance Director Sylvia Edwards

CITY OF SANIBEL

RESOLUTION 12-077

A RESOLUTION OF THE SANIBEL CITY COUNCIL ESTABLISHING THE ENTIRE DINKINS BAYOU DREDGING PROJECT AS A PUBLIC NAVIGATIONAL PROJECT; AND PROVIDING AND EFFECTIVE DATE:

WHEREAS, the City of Sanibel has recognized certain responsibilities with respect to deposits of silt/sand in certain public navigational areas (designated as Areas 1 and 3 on the attached Project Map) due to the installation and successful operation of the Clam Bayou box culvert; and

WHEREAS, the City of Sanibel is pursuing a Florida Department of Environmental Protection permit to remedy the sand/silt deposits through dredging in the Dinkins Bayou canals/waterways; and

WHEREAS, the City of Sanibel is working with the property owners to explore the concurrent dredging of canals/waterways that are not the responsibility of the City (designated as Areas 2 and 4 on the attached Project Map); and

WHEREAS, the City of Sanibel is willing to manage the entire Dinkins Bayou dredging project in order to promote navigability and provide a public-related service;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Sanibel, Florida;

SECTION 1. The Sanibel City Council hereby determines that it is in the best interests of all parties involved that the entire Dinkins Bayou dredging project be designated a public navigational project and such project is hereby so designated.

SECTION 2. The City of Sanibel will manage all aspects of the project and establish a procedure for payment by the private benefitted property owners of private costs associated with the project. The City Staff is directed to develop options for payment of the private costs (applicable to Areas 2 and 4 on the attached Project Map) by the private benefitted property owners. In the event that an option is not available or is not approved by the City, the City is authorized to proceed with only the dredging of Areas 1 and 3 as noted on the attached Project Map.

SECTION 3. Effective date. This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida, this 7th day of August 2012.

AUTHENTICATION:

Kevin Ruane, Mayor

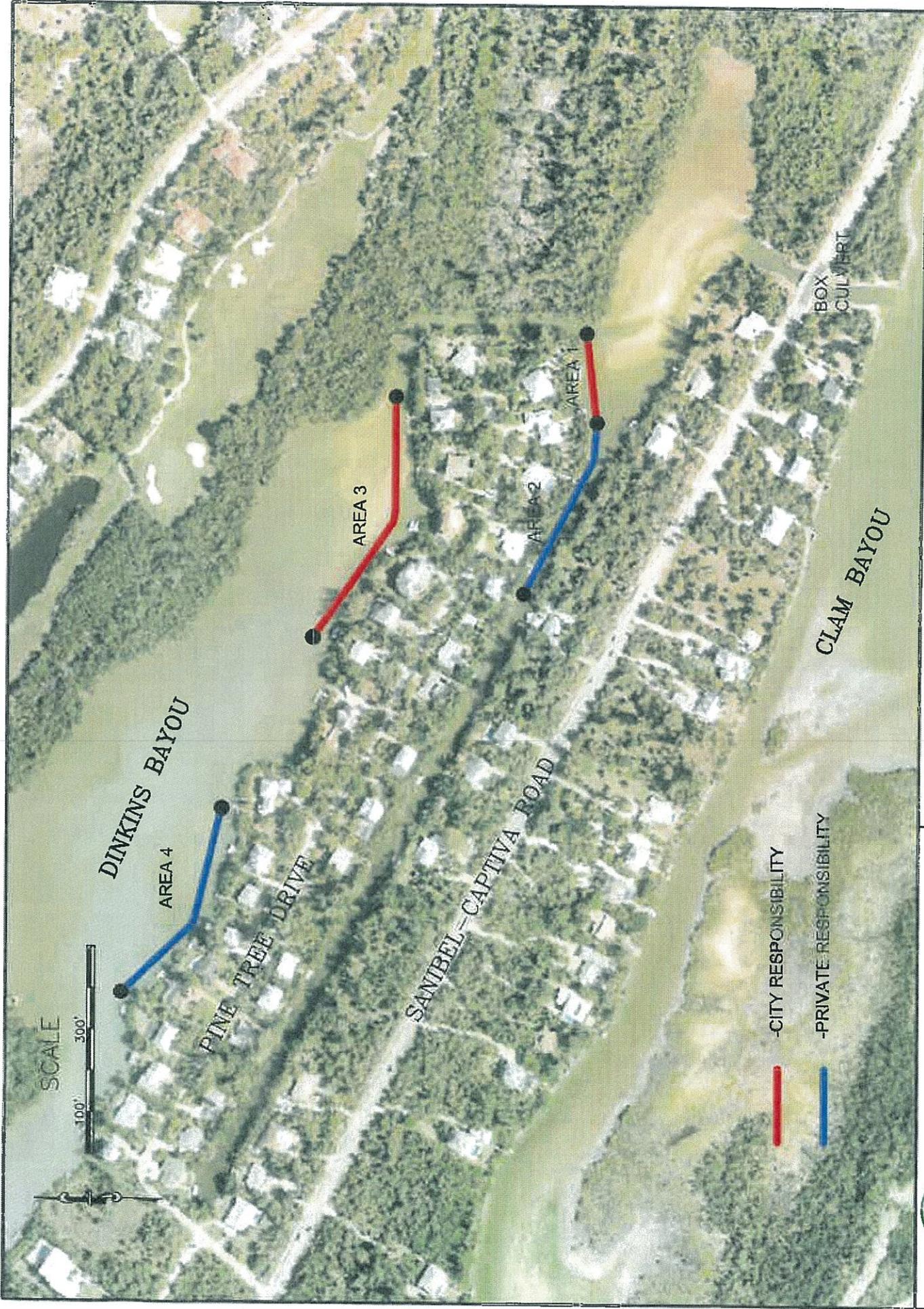
Pamela Smith, City Clerk

APPROVED AS TO FORM: Kenneth B. Cuyler 8/1/12
Kenneth B. Cuyler, City Attorney Date

Vote of Council members:

Ruane _____
Denham _____
Congress _____
Harrity _____
Jennings _____

Date filed with City Clerk: _____



— -CITY RESPONSIBILITY
— -PRIVATE RESPONSIBILITY



City of Sanibel
 800 Dunlop Road
 Sanibel, FL 33957

DINKINS BAYOU RESTORATION PROJECT

DRAWN BY: SBK	APPROVED BY: GATES D. CASTLE, P.E.	CHECKED BY:
DATE: 4/25/2011	SCALE: 1"=300'	SHEET NO. 1
PROJECT NO. Dinkins Bayou Restoration		