

## MEMORANDUM

DATE: August 7, 2012

TO: City Council

THROUGH: City Manager Judie Zimomra

FROM: Acting Public Works Director Scott Krawczuk

RE: Status and requested authorization to dredge the Entrance/Exit Channel to the Shell Harbor Canal System as an emergency project

The entrance channel to the Shell Harbor canal system was last dredged in March of 2011 and is again in a state that requires dredging to maintain safe navigation. This dredging work is an unfunded project for the current fiscal year.

On May 11, 2012 a permit application was submitted to the Florida Department of Environmental Protection and Army Corps of Engineers to secure the required environmental permits. On June 25<sup>th</sup> a notification was received from the Florida Department of Environmental Protection indicating the project is exempt from the need for an Environmental Resource Permit (ERP). A federal review of the City's application is still being performed by the U.S. Army Corps of Engineers. Although not complete, we anticipate receiving the permit from the Corps in the near future.

Due to the condition of the entrance channel and in order to expedite this work once the permit is received, it is recommended that the work be performed in accordance with the City's emergency procurement policy. The City is currently soliciting a quote to perform the dredging work.

cc: Finance Director Sylvia Edwards  
City Attorney Ken Cuyler

**CITY OF SANIBEL**

**RESOLUTION NO. 12-080**

**A RESOLUTION AUTHORIZING THE DREDGING OF THE ENTRANCE CANAL TO THE SHELL HARBOR AND SANIBEL ESTATES CANAL SYSTEM; DIRECTING THAT THE DREDGING PROJECT SERVICES BE PROCURED AND IMPLEMENTED ON AN EMERGENCY BASIS AND WAIVING COMPETITIVE BID OR PROCUREMENT REQUIREMENTS; DIRECTING AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTATION TO PROCURE AND IMPLEMENT SUCH DREDGING PROJECT; AUTHORIZING PAYMENT FOR SUCH PROJECT FROM THE SHELL HARBOR AND SANIBEL ESTATES CANAL AREA DREDGING ASSESSMENT DISTRICT FUNDS AND, TO THE EXTENT NECESSARY, CITY GENERAL FUNDS; AUTHORIZING AND DIRECTING THE REPAYMENT OF CITY GENERAL FUNDS FROM FUTURE FISCAL YEAR COLLECTIONS OF THE SHELL HARBOR AND SANIBEL ESTATES CANAL AREA DREDGING ASSESSMENT DISTRICT; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Sanibel has established the Shell Harbor and Sanibel Estates Canal Area Assessment District primarily for the purpose of funding the dredging of the Entrance Canal to the Shell Harbor and Sanibel Estates Canal System; and

**WHEREAS**, the assessments for such Assessment District are collected on a yearly basis ~~from benefitted private properties (two-thirds of total assessment) and one-third is paid by the~~ City in order to fund the dredging of the Entrance Canal on an estimated schedule of every 2 years; and

**WHEREAS**, the condition of the Entrance Canal is such that immediate dredging is necessary on an emergency basis for the purposes of safety and navigability even though only 18 months will have passed since the last dredging of the Entrance Canal; and

**WHEREAS**, it will be necessary for the City General Funds to supplement the collected assessments in order to pay for the emergency dredging, but such City General Funds will be

reimbursed from future collections of the Shell Harbor and Sanibel Estates Canal Area Dredging Assessment District; and

**WHEREAS**, such assessment funds to be repaid to the City General Fund does not include the 33% share of the City of Sanibel that is due and payable as the City's portion of the Shell Harbor and Sanibel Estates Canal Area Dredging Assessment District (such 33% share to be paid as normally required);

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

**SECTION 1.** The City Manager is hereby directed and authorized to procure and implement necessary dredging services to dredge the Entrance Canal to the Shell Harbor and Sanibel Estates Canal System.

**SECTION 2.** Such dredging project shall be procured and implemented on an emergency basis and otherwise applicable procurement and bidding requirements are hereby ~~waived and it is determined that such project is an emergency and is in the best interest of the~~ public. The City shall pay from City General Funds any amount over and above the collected and available Shell Harbor and Sanibel Estates Assessment District funds, conditioned upon repayment to the City General Fund at the earliest possible date of any such amount paid by the City.

**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

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Pamela Smith, City Clerk

APPROVED AS TO FORM:

*Kenneth B. Cuyler*  
Kenneth B. Cuyler, City Attorney

8/1/12  
Date

Vote of Council Members:

Ruane \_\_\_\_\_  
Denham \_\_\_\_\_  
Congress \_\_\_\_\_  
Harrity \_\_\_\_\_  
Jennings \_\_\_\_\_

Date filed with City Clerk: \_\_\_\_\_