

**SANIBEL CITY COUNCIL REGULAR MEETING  
FEBRUARY 05, 2013**

Mayor Ruane called the meeting to order at 9:00 a.m.

Mayor Ruane gave the Invocation and led the Pledge of Allegiance.

Members present: Mayor Ruane, Vice Mayor Denham, Councilman Congress and Councilman Harrity.  
Councilman Jennings was absent due to sickness.

Mayor Ruane moved, seconded by Vice Mayor Denham, to excuse Councilman Jennings due to illness.

The motion carried.

**PRESENTATION(S)  
EMPLOYEE OF THE QUARTER**

Mayor Ruane announced and presented a check to Natalya Maddix Employee of the Quarter from the Recreation Department.

**Planning Commission Report**

Chairman Valiquette gave the following report for January 22, 2013 meeting.

- Final approval of Bennett's Restaurant

Mayor Ruane spoke to struggling with the audio and understands the method. He further spoke to the mannerism and tone.

Mr. Valiquette stated he was very clear. He did not understand why Council wanted to spend more money studying commercial redevelopment. He further stated that people come to him and ask the same question. He also stated that as long as the 50% rule was instated that would keep businesses from redeveloping.

Mayor Ruane spoke to redevelopment being a difficult subject and give Council to opportunity to work through redevelopment and work together not against one another.

**Public Comments**

Sonya Smith, CASI spoke to the census noting 50% of housing was owned by part-time residents. She further thanked Council for giving the resort and condo owners a fair hearing.

Herb Ruben congratulates Council for how the island looks, but not keeping up ecologically. He further spoke to San Francisco prohibited plastic bags.

Iris Hoffman spoke to the need that all bicycles have a bell and include bike rental businesses understand the need for all bike having a bell.

Ted Tyson spoke the Battle of the Bulge program and thanked City staff. He presented a letter from Governor Scott regarding same. He also spoke to giving friends the City website address and comments of military dates on the horizon.

**Council Comments**

Councilman Harrity welcomed an Indiana Mayor. He further spoke to City Council working together and being a volunteer community.

Vice Mayor Denham spoke to there being no City election in 2013. He further spoke to comments that there was no Council compensation and this being one reason why others did not seek election.

Councilman Congress also spoke to no election. He further spoke to listening to Planning Commission audio of the January 22, 2013 meeting and he had missed something. He further stated that Council was open to recommendations and felt Mr. Valiquette was frustrated and suggested that Mr. Valiquette come to Council individually.

Mayor Ruane spoke to Sanibel Causeway regarding tolls and concerns to be diplomatic in speaking with Commissioners. He further stated speaking with the Clerk of Courts and a consultant, a public records request, components of the causeway budgeting and assigned through the TDC to investigate TDC funding, Twins financing and Nationals funding. He advised he attended the Lee County Delegation meeting and the proposed legislation and that the bill had merit where seat number one would be highest bed tax generator every two years and the other every two years for the other 3 municipalities. He advised that Representative Dane Eagle voted in opposition.

Mike Valiquette spoke to no need for an election and open dialogue relative to Planning Commission January 22, 2013 meeting.

Mr. Cuyler asked for approval of the amended agenda as follows:

- Consent Agenda item (r)
- New business 10 (b)
- Under 7 an informational item as (a) and ordinance listed as (b); (a) is gone and the ordinance is now (b)
- Consent Agenda (c) budget amendment number filled in and new information in parenthesis
- All items covered thus far were the same

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt the amended agenda.

Public Comment

None

The motion carried

### **Second Reading and Public Hearing**

**ORDINANCE 12-011 AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, IN CHAPTER 110 SPECIAL EVENTS, AMENDING ARTICLE I AND ARTICLE II FOR THE DEFINITION AND PERMITTING OF SIDEWALK SALE SPECIAL EVENTS; AMENDING CHAPTER 106 SIGNS, AND ADDING SECTION 106-140 TEMPORARY SIDEWALK SALE SIGNS; AMENDING SECTION 110-1 TO UPDATE DEFINITION FOR SIDEWALK SALE SPECIAL EVENT; AMENDING SECTION 110-49 FOR PERMIT APPLICATION LANGUAGE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION 110-52 TO CORRECT CROSS REFERENCE; AMENDING SECTION 110-57 TO BE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION 110-57 TO BE CONSISTENT WITH NEW DEFINITION; AMENDING SECTION 110-58 TO EXPAND SIDEWALK SALE SPECIAL EVENT DATES AND IDENTIFY ASSOCIATED PERMIT STANDARDS AND REQUIREMENTS; ADDING NEW SECTION 106-40 TEMPORARY SIDEWALK SALE SIGNS TO ESTABLISH STANDARDS SPECIFIC TO SIDEWALK SALE EVENT SIGNAGE; PROVIDING**

**FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 12-011.

Discussion ensued regarding hearing from the business community that this was not needed, RLR stated ordinance was not needed, Vice Mayor Denham reported that the Chamber Governmental Affairs Committee agreed that the ordinance was not needed.

Public Comment

Ric Base, Chamber Director stated that the Chamber Governmental Committee happy with the status quo.

Mayor Ruane moved, seconded by Vice Mayor Denham, to table Ordinance 12-011 until a date undetermined.

Public Comment

Karen Storijohan spoke to not understanding where the proposal came from and should have other conversations.

The motion carried.

**CONSENT AGENDA**

Vice Mayor Denham asked that item (b) be pulled for discussion.

- b. Approve Pantropic Power to perform an off-site overhaul of the subject generator for \$79,691.53 as a sole source vendor. Service to be paid from Utility Repair and Maintenance fund and will not impact sewer fees (overhaul of engine using manufacturer's parts and materials and rebuilt to Caterpillar specifications with a 5-year, 2,500 hour warranty, 4-week standby generator rental and no impact on the FY 13 budget)

Vice Mayor Denham asked why wouldn't this been completed off-site.

Director Williams answered that if done off-site the 5-year warranty would not be offered.

Vice Mayor Denham moved, seconded by Mayor Ruane, to approve the above item.

Public Comment

None

The motion carried.

- a. **RESOLUTION 13-004 DESIGNATING THE THREE CANDIDATES WHO HAVE OFFICIALLY QUALIFIED FOR THE OFFICE OF SANIBEL CITY COUNCIL; FINDING AND DECLARING THAT THE THREE QUALIFIED CANDIDATES ARE UNOPPOSED FOR THE THREE AVAILABLE CITY COUNCIL SEATS; FINDING AND DECLARING THAT PURSUANT TO THE SANIBEL CHARTER, THE SANIBEL CODE OF ORDINANCES AND GENERAL LAW THAT SUCH THREE QUALIFIED AND UNOPPOSED CANDIDATES HAVE BECOME COUNCIL MEMBERS ELECT AND SHALL TAKE OFFICE AS CITY COUNCIL MEMBERS ON MARCH 19, 2013; DECLARING THAT THE CITY OF SANIBEL MUNICIPAL ELECTION SCHEDULED FOR MARCH 5, 2013 IS HEREBY CANCELED SINCE THERE ARE NO OTHER ELECTION CONTESTS OR BALLOT MEASURES TO BE PRESENTED TO THE ELECTORATE AT SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE**

- c. Approval of agreement with Kittelson and Associates to negotiate scope of work to be completed at three intersections in addition to reviewing and preparing recommendations regarding the City of Sanibel's existing crosswalk policy and authorize City Manager to execute same **AND RESOLUTION 13-014 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-015 AND PROVIDING AN EFFECTIVE DATE** To transfer \$61,958 from the reserve for contingencies to fund crosswalk policy revision review
- d. **RESOLUTION 13-005 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-012 AND PROVIDING AN EFFECTIVE DATE** (To reimburse the general fund from the beach parking fund for increased personnel costs related to beachfront burglaries between November, 2012 and January, 2013 (\$8,357); to increase beach parking part-time police officer by .88FTE for future crime prevention measures and prorate for FY13 (\$22,330); to purchase a second beach vehicle for marine patrol (\$10,000) and to offer a \$25,000 reward for information. This amendment does not increase or decrease the FY13 budget)
- f. **RESOLUTION 13-007 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE** (Police Department 2006 Boat Master Trailer – Model BMTR-20-22T)
- g. Request from a resident to fund printing 14,000 copies of the Snowy Plover coloring book at a cost of \$1,356 (approved printing of \$10,000 at a cost of \$1,344 in 2008) **AND RESOLUTION 13-008 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-014 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$1,356 from the reserve for contingencies to print 14,000 Snowy Plover coloring books. This amendment does not increase or decrease the FY13 budget)
- h. **RESOLUTION 13-013 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-011 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$6,200 from recreation center ending fund balance to install a new ADA-compliant permanent pool lift and redeploy the current ADA-compliant portable pool lift. This amendment does not increase or decrease the FY13 budget)
- j. **RESOLUTION 13-009 APPROVING AN EASEMENT AGREEMENT BETWEEN THE CITY OF SANIBEL AND SANIBEL CAPTIVA CONSERVATION FOUNDATION, INC. (SCCF) TO AUTHORIZE THE GRANT OF AN INGRESS/EGRESS EASEMENT THROUGH THE CITY'S ROADSIDE PARK TO SCCF'S PROPERTY TO THE EAST AND PROVIDING FOR THE GRANT OF A 15 FOOT WIDE SHARED USE PATH EASEMENT BY SCCF TO THE CITY OF SANIBEL FOR A LENGTH OF APPROXIMATELY 1,050 FEET ALONG THE SOUTHERN BOUNDARY OF SUCH SCCF PARCEL; AND PROVIDING AN EFFECTIVE DATE** SCCF (request for two easements at the Bailey Homestead, 1442 Periwinkle Way (1) For Sanibel Captiva Conservation Foundation (SCCF) to utilize the roadway to Roadside Park, 1442 Periwinkle Way to enter their public lot; and 2) for an easement in the event that a Shared Use Path is constructed along the north side of Periwinkle Way on the south side of the property)
- k. **RESOLUTION 13-010 REORGANIZING THE FINANCE DEPARTMENT; AMENDING THE CLASSIFICATION PLAN AND MANPOWER AUTHORIZATION FOR FISCAL YEAR 2012-2013; ADOPTING NEW AND REVISED JOB DESCRIPTIONS FOR THE FINANCE DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE**

**l. RESOLUTION 13-011 AMENDING THE CLASSIFICATION PLAN FOR UNION AND NON-UNION EMPLOYEES OF THE CITY OF SANIBEL FOR FISCAL YEAR 2012-2013, ADOPTING A NEW PLANNING DEPARTMENT JOB CLASSIFICATION; AND PROVIDING AN EFFECTIVE DATE**

**n. RESOLUTION 13-012 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-013 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$14,851 from the reserve for contingencies to repair/replace a 32 foot support beam at the primary public entrance to City Hall. This amendment does not increase or decrease the FY13 budget)

Mayor Ruane moved, seconded by Vice Mayor Denham to adopt and approve the above items.

Public Comment

None

The motion carried.

e. Approval of two contracts relating to the City of Sanibel's 911 call processing, emergency service dispatch and record keeping functions through coordination with the Lee County Sheriff's Office (LCSO) computerized systems consisting of computer aided dispatch (CAD), mobile CAD and records management system:

Approval of a contract between City of Sanibel and Spillman Technologies, Inc. for computer software and professional services in the amount of \$124,259 to provide necessary interface and implementation; approving Spillman Technologies as a sole source provider and authorizing the City Manager to execute said Agreement

Approval of an Interlocal Agreement with the Lee County Sheriff's Office (LCSO) for the sharing of infrastructure and resources to implement and operate a new integrated computer aided dispatch (CAD), mobile CAD and law enforcement records management system in the amount of \$46,320 (\$20,000 agency add on; \$21,320 (1.75% x \$1,218,267 total hardware cost) and \$5,000 first year payment of annual host agency maintenance fee); authorizing City Manager to execute said Agreement

i. First Amendment to the Verizon lease agreement for site 68996 – Sanibel Donax Wastewater Treatment Plant (WWTP), 930 Donax Road to extend until June 30, 2013 timeframe for Verizon to file a completed building permit application, and authorize the Mayor to execute same

m. Reject bid submitted by Winfield Contracting, Inc. and award Exterior Painting of City Hall Complex to Spectrum Contracting, Inc. in the amount of \$52,316.00

o. Approve Woodroffe Corporation Architects to perform design and construction administration services in conjunction with a Lighthouse Beach restroom for a not-to-exceed fee of \$47,280 and authorize the City Manager to execute a contract to be prepared by the City Attorney providing for the project to be completed in accordance with the agreement between the City and Woodroffe Corporation Architects dated October, 2010

- p. Approval of the annual agreement between the City, U. S. Fish and Wildlife Service Southeast Region, J. N. “Ding” Darling National Wildlife Refuge, Sanibel Fire District and Sanibel Captiva Conservation Foundation (SCCF) to facilitate cooperation and mutual aid in the event of prescribed burns or wild fires Annual Operating Plan and authorize the City Manager to execute
- q. Approval to issue The Sanctuary tennis facility a future sewer bill credit totaling \$6,612.09 based on overbilling resulting from a faulty privately owned irrigation meter
- r. Acceptance of an Engagement Letter from CliftonLarsenAllen dated February 01, 2013 to identify potential associated damages from BP/Deepwater Horizon Oil Spill and authorize the City Manager to execute same

Mayor Ruane moved, seconded by Vice Mayor Denham, to approve the above Consent Agenda items.

Public Comment

Council recessed at 9:55 a.m.

Council reconvened at 10:05 a.m.

### **Commercial Redevelopment – delayed until a workshop meeting can be scheduled**

Mayor Ruane spoke to previous meetings and this being a complex issue, the resort redevelopment was completed. He further stated that Council needed to identify the goal and scope and a possible workshop, listen to stakeholders and have active discussion, first meeting limit to 4 hours, limit to one topic, hear concerns, and have this subject evolve, Council committed to the Sanibel Plan and mission statement, resent changes to allow condominiums to improve their properties, the presentation the director will make has varying implication to the Sanibel Plan, Council should be willing cautiously change variances to what can be done now, unintended consequences if Council considers blanket changes, parking would have minimal changes, may want to choose words carefully, such as “change” to “improvements,” want public input, less presentation and more discussion, identify parts and how does Council improvement what was already allowed.

Mayor Ruane moved, seconded by Vice Mayor Denham, to schedule a workshop meeting to discuss Commercial Redevelopment.

Public Comment

None

The motion carried.

### **OLD BUSINESS**

#### **Water Quality**

#### **Update relative to the citizen fertilizer educational program**

#### **Examinations of Opportunities for Citizens Education**

#### **Decision of City of Sanibel Funding Levels for Citizen Education Program**

#### **Letter dated January 10, 2013 from Mayor Randal Henderson, Ft. Myers regarding support for the fertilizer educational program**

Vice Mayor Denham and Director Evans gave a brief PowerPoint presentation.

Discussion ensued regarding approximate budget of \$150,000, pledges from Mayors for approximately \$30,000, Lee County staff advised the \$50,000 could be set aside, like to approach TDC for funding, County Board may be taking their portion from TDC, ongoing suit for not paying water quality funds not paid between the Clerk of Clerk and County government, no doubt the work that Vice Mayor Denham has done relative to water quality,

concern that Sanibel match Lee County contribution, advance discussion to other Board members, receive a commitment from the past Lee County Board, need commitment from someone that sets policy, important to put program in place before the summer of 2014, within next week get answer from Lee County, Sanibel should take a lead position, Lee County needs to have the lead position, if Lee County commits maybe Sanibel could include a percentage, Vice Mayor would like to commit to one-half of what Lee County commits to, need commitment from Lee County, feel confident that Sanibel residents approved of water quality proposal, good program could cost \$150,000, \$60,000 Lee County, \$30,000 TDC and Sanibel commits to \$30,000, Mayor to speak with each commissioner.

#### Public Comment

Sonja Smith thanked Vice Mayor Denham and scientific basis of presentation. University of Florida conducting a study and what does staff has that would contradict the above mentioned.

Director Evans noted that there were studies that have correlated run-off from landscaping on the nutrient impact to our estuaries. Vice Mayor Denham noted that staff conducted there was documentation that fertilizer correlates to red drift algae and a current study by NOAA that correlated the findings.

Discussion continued that other municipalities need to be mentally and financially involved and the information would continued to evolved, come up with a budget, may need an interlocal agreement, Mr. Cuyler spoke to the possibility and could wait to see the complexity of involvement, steps not a one-time message, develop a RFQ and send out.

Claudia Burns spoke to creating and developing a marketing plan. She noted that captains plan to contact 10 people once immobilized.

Vice Mayor Denham noted that this would education and engage citizens.

Karen Storijohann agreed that it would be a mistake to open any Interlocal. She further spoke to the message needed to get across was the accumulative affect.

### **Community Housing Resources (CHR)**

**2012 Audit year ending September 30, 2011 and 2012**

**First Quarterly Report date ending December 31, 2012**

Councilman Congress spoke to CHR struggled over the past two years and not had past problems. He announced their Mardi Gra event this weekend.

### **NEW BUSINESS**

#### **Babe Ruth Baseball League proposal for developing The Sanibel Baseball Academy**

Ms. Zimomra spoke to staff recommendations as follows:

- Nominal rental fee to establish the non-public program
- Trial period

Mayor Ruane moved, seconded by Councilman Congress, to set the rental fee at \$50 per month, a 9 month trial period and approve the agreement.

Council thanked Mr. Phoneix

#### Public Comment

None

The motion carried.

**Authorize the City Attorney to negotiate a future easement with the owner of the property located at 1525 San Carlos Bay Drive prior to repair of the existing storm sewer located at 1525 San Carlos Bay Drive**

Mr. Cuyler spoke to the following:

- Give City Attorney authority to negotiate an agreement to replace the physical location of the pipe into the easement area

Mayor Ruane moved, seconded by Councilman Harrity, to approve negotiation of future easement to repair existing storm sewer.

Public Comment  
None

The motion carried.

**CITY MANAGER**

**Informational Items**

**Report on Coin Operated Devices (Vending Machine Licenses)**

Ms. Zimomra spoke to the following:

- Complaint from a business that the niminal fee for vendor license
- Staff wanted to evaluate
- Discover the it was not mandated evenly
- Could bring back legislation

Discussion ensued regarding multiple licenses, a lot of administrative work, if repeled would there be a disadvantage, came to light of the video rental box and if there was an automated system why should there be a tax

Mayor Ruane moved seconded by Vice Mayor Denham, to direct staff to make appropriate changes and bring back to Council.

Public Comment  
None

The motion carried.

**Report from Planning Department regarding various parking/valet signage**

Ms. Zimomra noted two parking issues and put an administrated stay. She further spoke to the previous Chee Burger Chee Burger with a sign for non-contiguous parking lot and staff recommendation that there should be no code changes, but should not be on non-contiguous parking lot and sign and sign must come into compliance.

Director Jordan stated that a single occupancy was allowed 20 feet and the idea would be to reduce the sign and eliminate the up lighting.

Mayor Ruane moved, seconded by Councilman Harrity, to approve staff recommendation.

Public Comment  
None

The motion carried.

Ms. Zimomra spoke to valet parking and nothing in the code that prevent valet parking, and illegal signs have been placed. She further spoke to the need to know parking placement, registration for valet parking at the staff level, recommend a code change and bring back to Council, allow the continuation of valet parking, and bring back to City Council.

Mayor Ruane moved, seconded by Vice Mayor Denham, to direct staff to bring make legislation.

Public Comment

None

The motion carried.

## **Departmental Reports**

### **January Grease Trap Report**

### **Planning Department Permit Activity Report January, 2013**

### **Planning Department Code Enforcement Activity Report November and December, 2012 and January, 2013**

### **Building Department Monthly Revenue Report, November, and December, 2012**

### **Administrative Departmental Reports**

### **Status of Capital Projects**

Ms. Zimomra noted that the capital project report had been updated and was now on the website.

## **Financial Reports**

### **City Financial Quarterly Report**

### **City Financial Quarterly Report for the Sewer Fund**

### **Treasury Investment Report by Burgess Chambers & Associates**

### **Integrity Fixed Income Report**

### **Information regarding status of Lee County's BP claim**

### **Invitation from Edison Festival of Light to participate in the Junior Parade, Sunday, February 10 and Grand Parade Saturday, February 16, 2013**

Ms. Zimomra noted that Councilman Jennings wanted to represent Council, but Maggie Feiner, FISH was Grande Marshall.

### **Florida League of Cities (FLC) Legislative Action Days March 19 and 20, 2013, Tallahassee**

Ms. Zimomra noted that Council may want to attend and if so see the City Clerk for travel arrangements.

## **CITY ATTORNEY'S REPORT**

None

## **COUNCIL MEMBERS' REPORT**

### **Status report on review of Causeway Financial documents**

Mayor Ruane spoke to receiving information from Lee County and a toll report from the Clerk of Court.

### **Report on Mayor/Manager Forum with Commissioner Kiker**

### **Update on Impact Fee discussion**

Mayor Ruane spoke to the mayor's meeting regarding impact fees and concern was how Lee County was paying for this repeal.

## **Update on Tourism Development Council (TDC) discussion regarding to Stadium Financing**

Mayor Ruane spoke to the decision to pay for the Twins was not nearly as comprehensive as it could have been. He also spoke to a bus parked at Lighthouse Beach and not something Council wants to continue. He further spoke to working on legislation with staff. He also announced chairing MPO.

Discussion ensued regarding the pirate ship being removed from the Causeway, Mayor spoke to all County Commissioner thought an independent audit for the Causeway tolls was a great idea, a wildlife underpass at Corkscrew road with a camera and showed that 4 Florida panthers and a rooster traveling through the underpass.

### **PUBLIC COMMENT**

Barbara Cooley spoke to she and her husband seeing the same Pine Island bus parked on the Causeway Islands.

Karen Storijschmann spoke to Nerita Street residents complained of bus stopping and letting people off to visit the beach and at Tarpon Bay Road. She further spoke to counting axle that come across the bridge damaging Sanibel roads.

There being no further business the meeting was adjourned at 11:43 a.m.

Respectfully submitted by,

Pamela Smith, MMC  
Sanibel City Clerk