

**SANIBEL CITY COUNCIL REGULAR MEETING
JULY 16, 2013**

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

Councilman Denham gave the Invocation and led the Pledge of Allegiance.

Members present: Mayor Ruane, Vice Mayor Congress, Councilman Denham, Councilman Harrity and Councilman Jennings

PRESENTATION(S)

Recognition of the Employee of the Quarter

Mayor Ruane recognized Dana Raco as Employee of the Quarter.

Recognition of Debbie K. Kwok and Luisa B. Cortes, Recreation Department upon receiving a certificate from the Tourism Development Council (TDC) for completing and passing the AHLA Educational Institute's Certified Guest Service Professional (CGSP) exam after completion of the Guests First program

Mayor Ruane recognized Ms. Kwok and Ms. Cortes for their accomplishment of obtaining the certification of Guest Service Professional.

Presentation of Employee Dependent Scholarship Awards

Vice Mayor Congress recognized the following employee dependents:

- Courtney Chaipel
- Emily Cobein
- Hayden Cummins
- Allison Eicher
- Andrea Ganicine
- Brandy Gudinas

Recognition of Grant Lipps for 25 years of service to the City and residents

Vice Mayor Congress recognized Grant Lipps with a proclamation on his 25th anniversary as a City employee.

Recognition of Sandra McDougall upon her retirement

Mayor Ruane recognized Sandy McDougall on her retirement with a proclamation and a Luc Century Crystal.

Recognition of Pamela Smith, City Clerk for receiving the Robert N. Clark Memorial Award from the Florida Association of City Clerks (FACC)

Mayor Ruane recognized Pamela Smith, City Clerk upon her receiving the FACC Robert N. Clark award. Lori McWilliams, Village Clerk, Village of Tequesta and FACC President presented the FACC Robert N. Clark award to Ms. Smith.

Planning Commission Report

Commissioner Chris Heidrick gave the following report:

June 11, 2013

- Approval of a variance and conditional use permit for outdoor seating and an additional kitchen

June 25

- Discussion of the distressed property ordinance, which was on this agenda

July 09

- Variance for Moonshadows HOA to allow for installation of pavers and discussion regarding qualifications of pavers single-family dwellings and condominiums
- Variance for a boat dock at 1198 Harbor Cottage Court 2-A construction of a boat dock for more than 8 feet in width and approved
- Continuation of a variance at 1816 Woodring Road for a detached garage
- Discussion of commercial redevelopment

Public Comments

Paul Reynolds spoke to his surprised that permitting costs was negotiated and asked Ken Cuyler, City Attorney of same. He further spoke to reducing planning and building fees being a moral issue. He further spoke to bad policy of City Council granting dispensation.

Mr. Cuyler noted that City Council had received requests for the reduction of planning and building fees. He explained that City Council had the right to reduce permitting fees and he was certain there would be additional discussions.

Steve Maxwell spoke to meeting with Mayor Ruane on August 05. He also spoke to agreeing with Mr. Cuyler's comments and the need to articulate language in a waiver that anyone would know could obtain if requested.

Council Comments

Councilman Harrity spoke to leadership.

Councilman Denham spoke to the passing of Doug Dietrich.

Vice Mayor Congress also spoke to the passing of Doug Dietrich.

Councilman Jennings congratulated the City Clerk and spoke the passing of Mr. Dietrich.

Mayor Ruane congratulated the City Clerk.

First Reading

ORDINANCE 13-003 AMENDING THE CODE OF ORDINANCES, PART II – SANIBEL CODE; SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126 – ZONING; ARTICLE XIV – SUPPLEMENTARY DISTRICT REGULATIONS; TO ADD A NEW DIVISION 17. DISTRESSED PROPERTIES; ADDING SECTION 126-1311 INTENT AND PURPOSE; SECTION 126-1312 DEFINITIONS; SECTION 126-1313 DECLARATION OF DISTRESSED PROPERTY; SECTION 126-1314 MAINTENANCE AND SECURITY STANDARDS; SECTION 126-1315 JOINT RESPONSIBILITY; SECTION 126-1316 ABATEMENT BY THE PERSON IN CHARGE; SECTION 126-1317 ABATEMENT PLAN; SECTION 126-1318 EXCEPTIONS; SECTION 126-1319 ENFORCEMENT; SECTION 126-1320 APPEALS; SECTION 126-1321 SUPPLEMENTAL CODE PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 13-003.

The second reading and public reading was scheduled for Tuesday, August 06, 2013 at 9:15 a.m.

Second Reading

ORDINANCE 13-001 AMENDING CHAPTER 50, ARTICLE III, THE PENSION PLAN FOR THE CITY'S POLICE OFFICERS, TO PROVIDE FOR COMPLIANCE WITH THE INTERNAL REVENUE CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEALER; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 13-001. She reminded Council that the amendments were new IRS changes and would bring the plan into compliance.

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt Ordinance 13-001

Public
None

The motion carried

ORDINANCE 13-002 REPEALING AND REPLACING SPECIFIC AMENDMENT ORDINANCE NO. 82-26 BY ALLOWING THE EXISTING NONCONFORMING COMMERCIAL USE OF A PROPERTY, LOCATED AT 1177 CAUSEWAY BOULEVARD, TO CONTINUE AS AN OFFICE SUBJECT TO THE NONCONFORMANCE AND BUILD-BACK PROVISIONS OF THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 13-002.

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt Ordinance 13-002.

Discussion ensued regarding removing the property from the district, Director Jordan noted that it would take a code amendment to remove the property from residential to commercial and Ms. Zimomra noted that staff's recommendation would be proceed with legislation and also proceed with a code amendment for a permanent change.

Public Comment
None

The motion carried.

Mr. Cuyler advised that Council may want to direct staff to bring back the pros and cons regarding the property to ascertain all Council agreed.

Mayor Ruane moved, seconded by Councilman Harrity, to direct staff to bring back the pros and cons relative to a code amendment of removing the property from residential district to commercial.

Public Comment
None

The motion carried.

**Presentation by Kittleson and Associates Traffic Engineers
Review of Current Crosswalk Policy
Design of Potential Crosswalks**

1020-1046 Periwinkle Way (Periwinkle Way and Casa Ybel)

Ms. Zimomra spoke to the following:

- Council direction to 1) update current crosswalk policy; and 2) review 3 specific intersections for improvements
- Come back with a resolution
- Proposal for 3 intersections

Keith Williams, Public Works Director introduce Ryan Cunningham, Kittelson & Associates presenting to PowerPoint presentation and final analysis.

Mr. Cunningham gave a brief PowerPoint presentation. He also presented the proposed revision recommendations to the crosswalk policy relating to minimum standards and goals and objectives.

- Minimum standards were designated by F.S. Chapter 316 and Manual Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways known as the “Florida Green Book”
- Americans with Disability Act requirements and federal guidelines for providing accessibility to facilities for disabled persons
- Recommended Goals and Objectives come from the latest national guidance and industry practice, which were contextualized for the City
- 3 types of locations
 - 1) stop controlled intersection approach where all traffic was required to stop and recommend an established goal to provide a crosswalk with facilities on both sides of the road
 - 2) Uncontrolled intersection approach and recommend more crosswalks be considered on a case-by-case-basis if certain conditions were met, such as facilities on both sides of the road; a minimum distance to alternative controlled crossing and minimum demand and illumination consideration
 - 3) mid-dock location, which were in between of crosswalk locations; minimum demand, put on 2 lane arterial roads, minimum distance to an adjacent marked crosswalk, per FS illumination required
- Location #1
 - Periwinkle Way and west of Bailey Road
 - Goal of the site was to provide connectivity of the 3 commercial properties
 - Shared use path runs along the south side of Periwinkle Way
 - Intersection volumes at Bailey Rd and Periwinkle Way
 - 4 alternatives: **1)** extend multi-use path west from Bailey Rd to a location between Lazy Flamingo and Dairy Queen and provide mid-walk crossing in front of Lazy Flamingo; advantages – a crosswalk in close proximity to 3 commercial properties and challenges were the turn vehicle conflicts of vehicles exiting Bennett’s, as well as vehicles exiting on the south side of Periwinkle Way; 380 feet between proposed and existing crosswalk at Bailey Rd., need of private easements; **2)** moving crosswalk to west between Lazy Flamingo and Dairy Queen driveways, advantages – close proximity to businesses; challenges – turning vehicles out of Lazy Flamingo, increase distance of proposed and existing crosswalk to 500 feet; need of private easements; **3)** extend path past Dairy Queen creating more separation of the Bailey Road crosswalk, challenges – private easements and turning vehicles; **4)** path further away from businesses, encroaching on roadway to west
- Recommendation
 - Alternative 2 crossing between Dairy Queen and Lazy Flamingo
 - Opportunities to enhance landscaping on the south side of the road to discourage crossing outside of crosswalk
 - Opportunities to provide bike accommodations
 - Possible private access

Ms. Zimomra noted that all property owners were notified of the presentation.

- Location #2
 - Periwinkle Way/Casa Ybel Road
 - Current crosswalks on east and south of intersection
 - East side crosswalk provides no landing or transition on north side of road
 - Goal was to provide landing and transition from north side crosswalk
 - Collected traffic and mid-walk volumes and vehicles speeds
 - Provide a sidewalk on the north side of the road that transitions in to the property and drops pedestrians and bicyclist onto the parking lot
 - Accommodates the modified lane configuration proposed by staff on the northbound approach from a left to a shared through right to a shared left and through and a right turn only
 - Accommodating the proposed plans by shifting the driveway on the north side over by 6 feet minimizing the north and south bounds offsets for through vehicles
 - Alternative #1
 - Uses existing crosswalk traffic
 - Uses existing and available storage on southeast corner of intersection for multi-use paths
 - Utilizes space created by shifting driveway to the west
 - Uses space for sidewalk
 - Challenges – driveway drainage impacts; outside pedestrian flow to continue, which drops pedestrians and bicyclists off on the northeast corner of driveway continuing to the front of the stores
 - Majority of turns going to the east from Jerry’s and Casa Ybel and traffic coming in from the east
 - Pedestrians more exposed on east side of road
 - Alternative #2
 - Removes crosswalk on east side of road
 - Create crosswalk on west side of road
 - Advantage – minimizes turn vehicle conflict; improve onsite pedestrian flow by dumping on the west side of driveway with a more direct route to front; need for storage
 - Walk with property owner to provide for enhanced rest area, which would take care of storage needs
 - By shifting driveway would recoup lost parking space to east side of intersection
 - Alternative #3
 - West side crossing
 - Advantages – creates additional bike connection, but no demand according to analysis
 - Additional right turn conflicts
- Recommendation
 - Remove existing crosswalk on east side and relocate to west side
 - Provide transition and connection to northwest corner
 - Enhanced bike pull off on southeast corner
- Location #3
 - Tarpon Bay Road/Island Inn Road
 - Create connectivity from existing path on east side of Tarpon Bay Road/Periwinkle Way to the west side of Tarpon Bay Road near Island Inn Road
 - Collected intersection volumes at Island Inn Road, Periwinkle Way and Tarpon Bay Road
 - Alternative #1
 - Crosswalk on south side of Island Inn Road intersection
 - Advantages – meets connectivity goal
 - Turning vehicle conflict in or out of Baileys coming from and going to the south
 - West bound left turns; north bound right turns
 - Exposes crosswalk
 - Drainage impacts on southwest corner of Island Inn Road and Tarpon bay Road
 - Alternative #2

- Further south mid-walk crossing
 - Creates separation from existing crosswalk at Periwinkle Way and create separation from turning vehicles at Baileys driveway
 - Separate from the current demand
 - Driveway easement needed and drainage impacts buy extend the path in front of Lily's
 - Alternative #3
 - Crosswalk on north side of intersection
 - Meet connectivity goal
 - Minimize turning impact
 - Lessen drainage impacts
 - Alternative #4
 - Mid-walk crosswalk a north end of intersection by separating from turning volumes
 - Closer to Periwinkle Way crosswalk
 - Separating from crossing demand
 - Additional easement impacts
- Provide better connectivity
 - Extend path down Island Inn Road to provide connectivity on west and east side of roadway
- Recommendations short-term and long-term
 - Short term – to meet current demand at intersection was alternative #3 by providing a crosswalk on the north side of Tarpon Bay Road and supplement with a crosswalk to Lily's property with private access working with the property owner and private access and access to Baileys' parking lot
 - Long term – use short term alternatives and extend path to Sanibel Boulevard southward to proposed crossing

Director Williams spoke to next steps, policy revision, bring back the crosswalk policy as a resolution. He further spoke to the recommendations as follows:

- Site #1 – Periwinkle Way/west of Bailey Road
 - Authorization to proceed with design and negotiation of required easements and construction of preferred alternative
- Site #2 – Periwinkle Way/Casa Ybel
 - Authorization with limited design and negotiation of required easements for preferred alternative, does not include construction
- Site #3 – Tarpon Bay Road/Island Inn Road
 - Authorization to proceed with design and negotiation of required easements and construction of preferred alternative

Councilman Harrity noted that he would recuse himself from voting on the Tarpon Bay Road/Island Inn Road crosswalk due to an ownership interest of a property on Tarpon Bay Road.

Mr. Cuyler stated that Councilman Harrity could vote on the other two crosswalks in question.

Council decided to discuss and take public comment for Project #1.

Public Comment

Dick Meunch spoke there being no need for the bike path needing to be 10 feet wide and the cost associated with the change.

Mr. Williams noted that according to the Shared Use Master Plan all paths on Periwinkle Way were supposed to be 10 feet. He further noted the plan does not address a supplementary path to an already existing path and staff would propose the path be at a maximum of 8-feet wide, but property owner input and Council's discussion, the path could be an alternative width.

Tom Sharbaugh, Sanibel Bike Club thanked the City for taking a thorough and comprehensive approach to the crosswalks. He also spoke to the curb supporting the recommendations and would improve safety. He further spoke to the crossing at Casa Ybel and the holding area defined on the south side and complicated by issues to get bikers off the main path and suggest that the owners be involved to make adjustments and the recommendation to install lighting.

Joe Swartz spoke in favor and noted that an entrance was installed on the east side of the property and the existing signage would need to be moved with a 10-foot wide path and possibility of additional clearing.

Larry Thompson spoke in favor of the crosswalk recommendation at the Dairy Queen.

Discussion ensued regarding in favor of the recommendation, state law relative to the illumination of crosswalks, Director Williams noted that illumination was in the Florida Green Book and states mid-block crosses must be illuminated, Ms. Zimomra noted the illumination was a standard, Mr. Cunningham noted that adequate illumination could be provided by a parking lot, no need for a 10-foot path, Director Williams noted that the plan calls for 10-foot path, but does not address the possibility of the long-term range plan of paths on both sides of Periwinkle Way and staff would be open to a less than 10 foot pathway based on the supplementary path, staff's vision was for a 8-foot path, exiting Lazy Flamingo sign 12.7 feet off the edge of the asphalt and an 8-foot path would extend to 13 feet off the asphalt, would like for staff to return with additional information from an engineering and safety point of view; identify the number of easement and width of path, timing and costs and get project be completed by season, Director Williams noted that completion depended on the notice to proceed, he also noted that one property owner had granted an easement as part of the development plan, need two additional easements, Director Williams noted the information was qualified as a conceptual design and there would be a final and costing design and could complete the project before the busiest time on island, money would allow the extension of the path in the future, look to completion of project within the master plan for the vision of Periwinkle and safety of user a path on the north side may be forthcoming in the future, timing wise, a cost savings to continue project at this location by piggybacking on an existing contract, Director Williams agreed that staff was prepared to piggy back on another contract, bring back additional information at the August meeting, support for illumination of crosswalks, reddish color used in Ft. Myers crosswalks, support lighting

Larry Thompson spoke a second time to grant easements for Lazy Flamingo and he and his partner would not be opposed to easement for Dairy Queen and would like to make sure there would be no impact to future development.

Ms. Zimomra noted that there was the need for staff's due diligence for site #1.

Claudia Burns spoke in support and spoke to site number 2 with developing a place on the southeast corner for a storage area.

Karen Storijohan spoke to improving the line of site if the crosswalk remains in place because the trees jut out in the road.

Director Williams noted that the above was part of the reason to move the path to the opposite side of the intersection and opens up the opportunity of other pathway users to be visible from vehicles and eliminates any conflict with the right-hand turn into Jerry's parking lot for west bound traffic.

Paul Reynolds spoke to exiting on Periwinkle Way to make certain that someone was directing traffic and residents go the west end.

Tom Sharbaugh, Sanibel Bike Club spoke a second time regarding the reason for supporting the recommendation was due to the difficulty in an easement with the bank. He further noted that this intersection recommendation was need for general pathway safety.

Discussion ensued regarding the most important crosswalk area that needs consideration, Director Williams noted that since staff already one easement for the Periwinkle Way/Bailey Road it appeared that project would track

faster, whereas the preferred alternative for the Periwinkle Way/Casa Ybel involved stakeholders, such as the Mango Bay property owners that had never been involved in any discussions and staff would be starting from scratch and hesitant to give a timeline and even though Jerry's representative had agreed with a change, not this particular recommendation and Director Williams further stated there would be a greater engineering design.

Claudia Burns spoke a second time regarding a crosswalk on the west side and the possible need of a stop sign

Discussion ensued regarding the landing area on the Jerry's side of the recommendation, Director Williams answered with the shift in the curb line gives an opportunity to use a parking space and extend a sidewalk/path with an ADA handicapped accessible ramp, driveway shifting to the west and shift the curbing, was there a line of site issue and Director Williams noted that may very well be a visual problem.

Paul Reynolds asked if there was room to create a roundabout as an experiment.

Discussion ensued regarding the possibility to install a roundabout; Director Williams noted there was not adequate right-of-way to operate a roundabout.

Claudia Burns stressed that most of the exiting traffic was coming from the west not the east.

Director Williams spoke to traffic numbers of exiting traffic at the Periwinkle Way/Casa Ybel crosswalk left-hand turn, which conflicts with the current crosswalk location showed 118 vehicles and right-hand turn, which did not conflict with current location, but would with proposed location showed 12 vehicles over a three-hour period and move forward with the Casa Ybel location and Director Williams noted the new crosswalk would be 2014 summer.

Council directed staff to bring back a memorandum identifying challenges from easements to various property owner and talk about the timeline.

#3 Tarpon Bay/Island Inn Road

Karen Storijohan spoke to post office crosswalk for bike at the exit not the entrance and turning into outgoing traffic and move to entrance with a pathway to the front.

Ms. Zimomra noted the challenge was a drainage issue, deep swells and cannot come in the middle of a swell, but a potential improvement with Tarpon Bay Road drainage and a possible landing change.

Dan Skylar, Lily and Company spoke to a restaurant on the undeveloped property with potential additional traffic. He further spoke to bike parking and encouraged Council to develop a storage/landing area for bikes. He asked the difference of the long-term versus short-term; Director Williams answered that short term authorization would include discussions with property owners for easement acquisition and pricing and design, and long-term was contingent on the north side property development.

Discussion ensued regarding what were the long-term solution, Director Williams answered that there were certain areas that would need easements for construction, additionally, in order to make everything work vertically to know how the unimproved site would be developed for a seamless transition, as well as an analysis on the demand of the use in that area was a component of the long-term plan, would not want to construct before property was developed, whatever might be built on the property could impact the site development, Councilman Harrity noted there was a site plan and would provide to Director Williams, Director Williams staff would meet with Lily and Company due to the report that bikes stopping in a different place.

Council asks that staff come back with any additional information at the August Council meeting.

Mr. Cuyler noted that with regard to this item no Mr. Harrity

Council recessed at 10:57 a.m.

Council reconvened at 11:13 a.m.

CONSENT AGENDA

Councilman Denham asked that item (f) and (o) be removed for discussion. Vice Mayor Congress asked that (h) be removed for discussion and item (l) was requested to be removed by the audience.

- f. Approval of an Interlocal between the City and Lee County regarding a Fertilizer Educational Program and authorize the City Manager to execute same AND **RESOLUTION 13-064 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-036 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$37,000 from environmental reserves to provide partial funding to Lee County for a fertilizer education program. This amendment does not increase or decrease the FY13 budget)

Councilman Denham suggested that the make-up of the committee be 3 from Lee County, 2 from Sanibel and 1 from another municipality.

Ms. Zimomra

Councilman Denham moved, seconded by Councilman Harrity, to adopt Resolution 13-064 and suggest the committee make-up to be 3 members from Lee County, 2 members from Sanibel and 1 member at large.

Public Comment
None

The motion carried.

- h. **RESOLUTION 13- 058 AUTHORIZING THE FINANCE DIRECTOR TO SEPARATELY ACCOUNT FOR THE CITY'S RECREATION FINANCIAL ASSISTANCE DONATIONS RESTRICTED FUND BALANCE AND TO ALLOCATE A PRO-RATA SHARE OF THE ANNUAL INTEREST EARNINGS ON THE CITY'S POOLED CASH AND POOLED INVESTMENTS FUND TO SUCH RECREATION FINANCIAL ASSISTANCE DONATIONS RESTRICTED FUND BALANCE; AND PROVIDING AN EFFECTIVE DATE**

Vice Mayor Congress explained that the document allowed restricting funds.

Ms. Zimomra read the title of Resolution 13-0589.

Vice Mayor Congress moved, seconded by Councilman to adopt Resolution 12-058.

Public comment
None

The motion carried.

- l. Recommendation of the ranking of video consultant bids and authorization for City

Manager to negotiate an agreement (this project is in the adopted FY13 budget) (LISTEN 1120)

John Peterson, current vendor spoke to technology proposed was relative new in Florida and was explained in the second page of the document. He further related that the document submitted were wrong and can support the project.

Director Smith spoke to the following:

- Released an RFQ to integrated all Cit systems
- 5 companies submitted qualified bids
- Visited 5 recommended cities
- Criteria used to rank with a solution of genetic and experience of video company another video vendor was easier
- While doing on-site visit Johnson professionally designed for Sanibel (West Palm)
- IFFS in Lee County
- Johnson Controls a nationally based company
- Recommendation was to proceed with Johnson Controls

Discussion ensued regarding the confidence of the choice, no issues with IFFS, no new technology introduced since quote, a lot of weight for existing vendors, Director Smith no new technology and all vendors submitted viable products, Mr. Cuyler noted it was never implied that all companies were not very goo, but ultimately a recommendation had to be made, anyone had the opportunity to pull the item for discussion and rely on staff's expertise.

Councilman Harrity, moved, seconded by Vice Mayor Congress, to accept staff's recommendation

Public Comment

None

The motion carried.

o. RESOLUTION 13-060 ESTABLISHING A COUNCIL POLICY TO (1) REVIEW CITY BUILDING AND PLANNING FEES FOR THE CITY'S 2013-2014 FISCAL YEAR TO DETERMINE WHETHER A REDUCTION IN SUCH FEES IS WARRANTED AND (2) ESTABLISHING A POLICY TO EXTEND ANY SUCH REDUCTION(S) RETROACTIVELY TO BUILDING AND PLANNING APPLICATIONS FILED ON OR AFTER JUNE 5, 2013; AND PROVIDING AN EFFECTIVE DATE

Councilman Denham spoke to reviewing various expense items within the budget and made substantial reduction with fees in the Planning and Building Departments. He further spoke to reviewing the fees again and was necessary to make necessary reductions. He spoke against making any retroactive reduction.

Discussion ensued regarding the difference was a topic that was publicly announced the charges and fees and stifle any individual not receiving any benefit between the discussion and the decision was made, any change in fees would be retroactive to June, 2013, as approval of budget fee would come into effect, should review as part of budget process and no rationale to make fees retroactive, retroactive date chosen due to last Council discussion, past discussion of two separate applicants for fee reduction, application was for a variance and may be denied, but a need for payment, could have further reduced building and planning fees during last budget cycle, filed application between June 5th and adoption of the budget, policy decision, extremely unfair after the event to make exception for one applicant. Councilman Harrity asked if he should vote because this change could benefit him and his partners.

Mr. Cuyler agreed that Councilman Harrity should recuse himself.

Ms. Zimomra read the title of Resolution 13-060.

Mayor Ruane moved, seconded by Vice Mayor Congress, to adopt Resolution 13-060.

Discussion ensued regarding the timeline stopping at September 30, 2013.

Mayor Ruane amended his motion to include making fees retroactive from June 15, 2013 to September 30, 2013 and adopt Resolution 13-060.

Mr. Cuyler suggested making any fee reduction retroactive to December 31, 2013.

Mayor Ruane amended the motion to include any fee reductions included in Resolution 13-060 retroactive to June 15, 2013 through December 31, 2013, Vice Mayor Congress agreed.

Public Comment

None

The motion carried with Councilman Harrity recusing himself due to self interest.

- b. **RESOLUTION 13-053 OF THE SANIBEL CITY COUNCIL RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE, IN THE CITY OF SANIBEL; CONSTITUTING THE CITY'S 2013-2014 FISCAL YEAR INITIAL ASSESSMENT RESOLUTION RELATING TO THE ANNUAL SPECIAL SERVICE ASSESSMENT TO FUND THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF SANIBEL FOR THE FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014; CONFIRMING AND AUTHORIZING MATTERS RELATING TO SUCH ASSESSMENT; SCHEDULING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE ANNUAL RATE RESOLUTION AND TO CONFIRM COLLECTION OF SUCH SPECIAL SERVICE ASSESSMENTS THROUGH THE UNIFORM METHOD OF COLLECTION (i.e. ANNUAL LEE COUNTY TAX BILL); PROVIDING DIRECTION FOR THE PREPARATION OF THE ASSESSMENT ROLL AND NOTICES REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE**
- c. **RESOLUTION 13-054 APPROVING A SOLID WASTE RATE STRUCTURE FOR FISCAL YEAR 2013-2014 WHICH RESULTS IN A 0.7% DECREASE IN CURBSIDE RESIDENTIAL RATES, A 0.4% DECREASE IN COMMERCIAL CURBSIDE RATES AND A 1.4% DECREASE IN DUMPSTER RATES; APPROVING A SOLID WASTE FRANCHISE FEE AND A SOLID WASTE DISPOSAL SURCHARGE; AND PROVIDING AN EFFECTIVE DATE**
- d. **RESOLUTION 13-055 APPROVING A LEASE AGREEMENT FOR THE WEST LIGHTHOUSE CARETAKER'S COTTAGE WITH RANDY D. WRIGHT; AND PROVIDING AN EFFECTIVE DATE**
- e. **RESOLUTION 13-056 APPROVING A LEASE AGREEMENT FOR THE EAST LIGHTHOUSE CARETAKER'S COTTAGE WITH DENNIS L. ROBERTS; AND PROVIDING AN EFFECTIVE DATE**
- g. **RESOLUTION 13-057 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-038 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$150,000 from general fund ending fund balance for architectural services, traffic engineering, surveying and storm drainage engineering towards the development of a Master Plan for the Civic Core. This amendment does not increase or decrease the FY13 budget)

- i. **RESOLUTION 13-059 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE** (Police, Parking and Recreation Department's equipment)
- q. Approve proposal for Professional Services wit Sea Diversified, Inc. to perform the 2013 summer beach monitoring survey in the amount of \$79,750 **AND RESOLUTION 13-061 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-039 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$80,000 from beach parking ending fund balance for the City's portion of the cost of the annual beach monitoring survey. This amount is matched by \$40,000 in funding to be provided from the Lee County Tourism Development Council (TDC). This amendment does not increase or decrease the FY13 budget)
- r. **RESOLUTION 13-062 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-037 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$10,000 from environmental initiatives reserves to provide funding for iguana removal. This amendment does not increase or decrease the FY13 budget)

Ms. Zimomra read the title of the above-noted resolutions.

Mr. Cuyler noted that an approval of the agreement under item (q) would be included.

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt the above resolutions and approve the proposal for the summer beach survey.

Public Comment
None

The motion carried.

- a. Approval of Minutes – May 7, 2013 Regular Meeting
- j. Request to purchase 1 Police Department vehicle and 1 Beach Parking vehicle through the Florida Sheriff's Association State bid contract for replacement in the amount of \$24,499 from the Police Department's Capital Improvements Program (CIP) and \$19,260 from Parking Capital Improvement Program (CIP) (these purchases were authorized in the adopted FY13 budget and will not increase the FY13 budget)
- k. Award 2013 Shared Use Path repair project contract to Seaton Paving and Sitework, Inc. in the amount of \$128,179 and authorize City Manager to execute same
- m. Award Pond Apple Park/Shipleigh Boardwalk Construction Project to lowest responsive bidder, Stokes Marine, Inc., in amount of \$139,514 and authorize the City Manager to execute same (Work to be performed is 100% grant funded by the FDEP Recreational Trails Program and SCCF Starr Thomas Fund)
- n. Approve a letter of support for the Lee County Sheriff's Department for a grant (Edward Byrne Memorial Justice Assistance Grant) which includes \$1,799 toward the purchase of a hand-held thermal imaging (FLIR) camera to enhance operational readiness of Sanibel Police Department officers to be executed by the Mayor (This grant would increase the FY13 budget)

- p. Approval of a Joint Resolution with Lee County extending the City's participation in the Community Development Block Grant Urban County Cooperation Agreement for HUD entitlement funds for fiscal years 2014-2016 and authorize the Mayor to execute same (CDBG funding previously provided under this agreement has been used to make ADA accessibility improvements at City Hall, Big Arts, Historical Village and Museum and Pond Apple Park accessible walkway)

Councilman Denham moved, seconded by Councilman Harrity, to above the above-mentioned Consent Agenda items.

Public Comment
None

The motion carried.

CITY MANAGER

Informational Items

Status report regarding to Redevelopment

Public Works Department Needs Study

Ms. Zimomra noted the study was completed.

Final agreement between the City and Woodroffe Corporation Architects relative to the completion of the City's Civic Core Area Redevelopment review as authorized by City Council

Ms. Zimomra noted the above was the negotiated agreement approved at the June City Council meeting. She further spoke to the Planning Commission has commenced reviewing Code changes beginning with Permitted Uses, then Interconnectivity and parking. She further spoke to the summary of meeting that Ms. Woodroffe with each partner group.

Updated Shared Use Path Bicycle Incident Report

Ms. Zimomra noted that the above was completed and shared with traffic consultants.

Final Report from the Bayous Preservation Association (BPA)

Ms. Zimomra noted this was for information only.

Letter from Rob Baldwin Mayor, City of Belleair Beach regarding objections to the Florida Department of Environmental Protection's (FDEP) draft of Rule 62B-36 changing Beach Access rules

Ms. Zimomra noted that the above letter was received and Mayor Baldwin was requesting support for a change from 50 to 100 parking spaces, which would not impact Sanibel.

Departmental Reports

June Grease Trap Report

Planning Department Permit Activity Report June, 2013

Planning Department Code Enforcement Activity Report June, 2013

Building Department Monthly Revenue June, 2013

Building Department Monthly Permitting Report June, 2013

Administrative Departmental Reports

Status of Capital Projects

Recreation Membership and Revenue Report

Letter received June 27, 2013 from Florida Department of Economic Opportunity regarding the review of Sanibel's Comprehensive Plan amendment Causeway counts for March, April and May, 2013

Ms. Zimomra related that the above were departmental reports. She further spoke to receiving notification that the Sanibel Plan amendments were approved by the State.

Mayor Ruane announced the meeting was recessed so Council could meet in a Closed Session at 12:00 Noon and persons below would be in attendance.

Convene an EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS

In attendance shall be only the following persons:

Mayor Kevin Ruane

Vice Mayor Doug Congress

Councilman Denham

Councilman Marty Harrity

Councilman Jim Jennings

Sanibel City Manager Judie Zimomra

Sanibel City Attorney Kenneth B. Cuyler

Jim Isom, Director of Administrative Services

Crystal Mansell, Administrative Services Technician

Wayne Helsby, Labor Counsel (Allen, Norton & Blue)

Council reconvened at 1:00 p.m.

OLD BUSINESS

Water Quality

Director Evans spoke to the level of Lake Okeechobee as follows:

- 15 feet level
- 12.5 feet last year the same time
- Maximum elevation for Lake Okeechobee was 17 feet
- Flows out of S-77 9,000 to 10,000 cfps
- 7,000 cfps coming from watershed and remainder from lake releases
- Lake Okeechobee Release Schedule (LORS) 2008, once in the intermediate sub band ACOE could release up to 4,000 cfps out of S-77 and 1,800 cfps to the St Lucie estuary
- High sub band could release 6,500 cfps
- Anticipate releases to increase
- 2004-05 timeframe due to Lake Okeechobee not being churned by storms
- Increased flows in 2004-05 that resulted in algal blooms was due to over 3 months of high release flows over 6,000 cfps
- If flows exceeded 9,000 cfps there would be a similar reaction
- ACOE not changed plan of releases

Discussion ensued regarding water quality, Lake Okeechobee releases, clean-up water in Caloosahatchee basin, support lobby with SFWMD to implement water storage and treatment projects to reduce water flows on the basin, Council may want to prepare a letter to SFWMD to indicate short-term items that could be accomplished,, SFWMD had \$19 million for the Lake Hipchochee clean-up, C-43 construction and requires federal funds and a letter to local federal legislators to push for funding of C-43, might want to use area captains, Senate Select Committee being formed to study Lake Okeechobee by east coast representatives, what was short-term storage solutions, Director Evans noted that permits had been requested for 10,000 acre feet of water storage, money in budget for Lake Hipchochee, treat what is coming from the watershed, real solution was to clean up Lake

Okeechobee, if water was clean enough it could be moved south, better management practices proposed for agriculture lands and staff preparation for an algal bloom, Ms. Zimomra noted that the plan was to hand rack as in the past, bring in additional equipment, TDC continues to have funds if beaches need to be cleaned-up, how could Council relate the same message and who heads the strategy.

Discussion of City of Sanibel Water Quality Strategy

Councilmember Denham spoke to the following:

- Coordinate legislative effort
 - Continue implementation of golf course fertilizer management plan
 - Implement a Sanibel comprehensive nutrient plan
 - Area wide objective to reduce nitrogen coming into the river
 - Partner with Lee County for funding
 - Work with stakeholders for a Caloosahatchee visioning process

Discussion ensued regarding an alternate for the Regional Planning Council, Vice Mayor Congress could carrying the message and getting approval of the strategy, sometimes a different approach with same message could be effective and Councilman Denham meeting with the Lee County Natural Resources Department early August.

Mayor Ruane moved, seconded by Councilman Harrity, to agree that Councilman Denham would work with City and Lee County staff and come back to Council to further define Council's approach.

Ms. Zimomra spoke to the struggle not being an alarmist that would affect vacationers and home buyers and may want the message to be educational and informative, citing a temporary condition.

Public Comment

Shane Spring, Sanibel-Captiva Realtors spoke to meeting with state and federal legislators and want to help with any effort.

Sonia Smith spoke to the need for public support.

The motion carried.

Update relative to the citizen fertilizer educational program

Councilman Denham spoke to with approval on the consent agenda have approximately \$150,000 and once again speaking before the Charlotte County Commissioners.

Continued Causeway discussion

Vice Mayor Congress spoke to the following:

- Provide a similar report on a semi-annual basis
- Junior lien balance to \$4.2 million as of March 31, 2013
- Anticipate another \$3 million by year's end

FY13-14 Budget

Distribution of Budget

Budget Calendar

City Council FY 12/13 adopted goals

Ms. Zimomra spoke to the following:

- Millage rate could be decreased, but not increased after today
- Slight increase in real estate
- One minor personnel change of adding a position in the Police Department

- Investment in technology
- \$200,000 for civic core project
- \$180,000 carry-forward
- Capital project withheld this year

Mayor Ruane noted the goals remain the same.

Discussion ensued regarding working with staff to tighten the budget, goal to reduce debt, pension issue part of GABY 65 and 68 as part of the budget beginning 2015, and Police Department pension change assumption rate from

8% to 7.5% and change accrued liability from \$799,000 to \$1.2 and was due to reducing assumptions, paying for increase over time and free up \$200,000 by working with staff.

Ms. Zimomra noted that last year between the July meeting and the September meeting to make alteration and brought back a series of matrixes that were responses to Councilmembers request.

Councilman Denham moved, seconded by Councilman Harrity, allow Mayor Ruane to work with staff to free up \$200,000 and make recommendation to the City Manager whom will brief other Councilmembers during on the progress and formal presentation in September.

Public Comment

None

The motion carried.

Discussion ensued regarding millage rate at 2.0861, to low and should set at 2.2, would have flexibility, find a way to eliminate \$1.3 million and free up \$200,000 in expenses, \$312,000 increase in police pension with \$200,000 from the change in assumptions, .1 equal \$400,000, areas in the budget that could allow the City to accomplish what Council wanted to accomplish in FY14.

Councilman Harrity moved, seconded by Mayor Ruane, to set millage rate at 2.0861.

Public Comment

None

The motion carried.

Additional Materials requested by City Council

Review of Fees

Revenue and Fees for the Building Department

Mayor Ruane noted that the fees were reduced by 25% and was to leave the Building Department ending fund balance very low and would like for a charts showing increments of 10%, 20% and 30%.

Mayor Ruane moved, seconded by Councilman Denham, to direct staff to bring back a chart showing the reduction of building fees by 10%, 20% and 30%.

Public Comment

None

The motion carried.

RESOLUTION 13-063 ADVISING THE LEE COUNTY PROPERTY APPRAISER OF THE PROPOSED OPERATING MILLAGE RATE, THE ROLLED-BACK RATE, THE PROPOSED AGGREGATE MILLAGE RATE, THE MILLAGE LEVY FOR

THE SEWER VOTED DEBT SERVICE, THE LAND ACQUISITION VOTED DEBT SERVICE, AND THE RECREATION CENTER VOTED DEBT SERVICE AND THE DATE, TIME AND PLACE AT WHICH A PUBLIC HEARING WILL BE HELD TO CONSIDER THE TENTATIVE OPERATING MILLAGE RATE FOR TAX (CALENDAR) YEAR 2013 AND TENTATIVE BUDGET FOR THE CITY OF SANIBEL 2013-14 FISCAL YEAR; AUTHORIZING AND DIRECTING THE CITY MANAGER TO PROVIDE CERTIFICATION OF SAME; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 13-063 and the blank was completed as 2.0861.

Councilman Denham moved, seconded by Mayor Ruane, to adopt Resolution 13-063.

Public Comment

None

The motion carried.

Revenue and Fees for the Planning Department

Mayor Ruane moved, seconded by Councilman Denham, to direct staff to bring a chart back for 10%, 20% and 30% showing the reflected millage.

The motion carried

Review Recreation Center Membership Fees

Vice Mayor Congress moved, seconded by Councilman Denham, to direct staff to review amortization and bring back a recommendation.

The motion carried

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Attendance at the Florida Municipal Investment Trust (FMIT) and Florida Municipal Insurance Investment Trust (FMITvT) Board meetings

Mayor Ruane spoke to the following:

- Based on actuarial recommendation to increase various coverage including health
- City received 10.6% increase

Discussion regarding Biggert Waters National Flood Insurance Reform Act of 2012 (BW12)

Mayor Ruane spoke to changes relative to the National Flood Act.

Chris Heidrick spoke to the following:

- NFIP re-authorize every 5 years
- Prior to Hurricane Katrina the program was automatically authorized each year
- After hurricane Katrina there was a \$16 billion deficient
- BW-12 signed into law July 06, 2012
- Section 205 – eliminates pre-firm flood rates (apply to home that existed before flood rates and before April 16, 1979)

- Residential and commercial structures
 - \$10,000 per year and may exceed
 - Nationwide impact less than 1% of housing stock
 - Out of 22,000 participating communities Sanibel is number 28
 - Sanibel had 2,029 single family and condos, 361 business and 174 multi-family structures
 - Purchased after October 01, 2013 must pay full premium
 - Ground level structures from July, 2006 to 2013 renewal notice would require an elevation certificate and full impact
 - Commercial would receive a rate increase by 25% per year until full flood rate was reached
 - Non-economic impacts to persons of age or renters would have increased passed to them
 - Small businesses would be affected similarly
 - Potential impact to tax base
 - Ground level structures become unaffordable
 - Possible delay and decrease to rebuild if destroyed
 - No advance warning and effective July 26, 2013
 - Delivery date of affordability study was not set
 - Recommended letter be sent to Senator Nelson, Senator Rubio and Congressman Radel
- Section 207
 - Eliminates grandfathering, but not until flood maps were revised
 - 3 legislators from Florida signed the bill
 - \$16.1 billion paid in by Floridians and \$4.1 million paid

Discussion ensued regarding getting the Florida League of Cities involved, applying to primarily businesses and homes, support writing a letter under Mayor's signature to federal representatives, Lee County was #6 on list, applies to ground-level residences and businesses, Mayor would reach out to Lee County, and other individual legislators, a town hall meeting may be helpful, reach out to person that wrote an email and Mayor Ruane to send letters to elected and appointed officials.

Public Comment

Shane Spring spoke to receiving an email of a bill received from someone that their insurance quadrupled and need to get Lee County involved.

Wayne Ponader asked if Mr. Heidrick would explain the options when the underwriter is quoting insurance.

Cathy Garrison spoke to working with clients who found a ground-level home for \$845,000, but insurance was \$20,000.

Mayor Ruane noted Council supported working with local delegation, letters to federal, state and local delegation, Lee County, FLC, National League of Counties and Vice Mayor would bring forward at RPC.

Chris Heidrick spoke to FEMA not released the rates for properties; so far rates may be close.

Discussion ensued regarding Florida paid in \$16 billion and paid out \$4 billion, how many states involved, 240,000 properties impacted both Louisiana and New York about 80,000 properties and talking points from Mr. Heidrick to Council.

There being no further business the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Pamela Smith, MMC
City Clerk