

**SANIBEL CITY COUNCIL REGULAR MEETING
AUGUST 06, 2013**

Mayor Ruane called the meeting to order at 9:04 a.m.

Vice Mayor Congress gave the Invocation and led the Pledge of Allegiance.

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

Commissioner Holly Smith gave the following Planning Commission Report for the July 23,

- Approved a variance at 1198 Cottage Court
- Conditional use permit for Sanibel Deli and Coffee Factory
- Development permit for existing tennis courts at Beachview

Discussion ensued regarding waiving parking limitations fro Sanibel Deli, Ms. Smith answered that there was enough parking and was not delineated, staff in touch with owner for the existing code, Baileys parking was not waived and was not given the same consideration, Ms. Smith noted that there was the ability to use parking behind the building, hard to make parking a hardship on existing business, but there were vacant businesses.

Public Comments

None

Council Comments

Councilman Jennings that Council for their well wishes.

Vice Mayor Congress spoke to the Recreation Center being closed for maintenance and beneficial.

Mayor Ruane spoke to a status update of a meeting with the Corps of Engineers and the discussion regarding the right-of-way off loading of passengers would come back September 07, 2013. He further spoke to rotating the Planning Commission liaison, but he would like to have a discussion to change the Planning Commission rotating report to the Chairman giving that report to City Council.

Discussion ensued regarding having more consistency with the Planning Commission report being given by one person, lost track with Planning Commission reviewing redevelopment issues, streamline and City Manager give a calendar of what staff and Planning Commission was working on at any time.

Mayor Ruane moved, Vice Mayor Denham seconded, to changed the Planning Commission liaison, City Manager give a report of what redevelopment issues the Planning Commission were addressing

The motion carried.

Second Reading and Public Hearing

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. She spoke to complaints regarding properties not being maintained and concerns with safety issues.

Vice Mayor Congress moved, seconded by Mayor Ruane, to adopt Ordinance 13-003

Public Comment

None

The motion carried.

Solid Waste Rate Public Hearing

RESOLUTION 13-064 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 ANNUAL RATE RESOLUTION AND RE-IMPOSING 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; APPROVING THE RATE OF ASSESSMENT; APPROVING THE SOLID WASTE ASSESSMENT ROLL; APPROVING COLLECTION OF ASSESSMENTS THROUGH THE UNIFORM METHOD OF COLLECTION (i.e. TAX BILL); AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 13-064. She spoke to a reduction in rates.

Vice Mayor Congress moved, seconded by Mayor Denham, to adopt Resolution 13-064.

Public Comment

None

The motion carried.

RESOLUTION 13-065 OF THE CITY COUNCIL OF THE CITY OF SANIBEL SITTING AS THE SANIBEL EQUALIZATION BOARD; EQUALIZING AND APPROVING A RECURRING ANNUAL SPECIAL SERVICE ASSESSMENT FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE FOR ALL RESIDENTIAL DWELLING UNITS (DEFINED AS ONE THROUGH FOUR RESIDENTIAL DWELLING UNITS PER PARCEL) WITHIN THE CITY OF SANIBEL; EQUALIZING AND APPROVING THE RECURRING ANNUAL SPECIAL SERVICE ASSESSMENTS FOR FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014; PROVIDING FOR THE CONFIRMATION, ADOPTION AND FILING OF A FINAL ASSESSMENT ROLL FOR SAME; PROVIDING FOR CONFIRMATION OF THE RECURRING

ANNUAL SPECIAL SERVICE ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 13-065.

Mr. Cuyler explained that if anyone had individual concerns regarding their assessment they could address Council at this time. He also stated there was no one that had comments.

Councilman Denham moved, seconded by Mayor Ruane, to adopt Resolution 13-065.

Public Comment

None

The motion carried.

CONSENT AGENDA

Councilman Denham asked that items (c) and (g) be moved for discussion. Vice Mayor Congress asked that item (i) be moved for discussion.

c. RESOLUTION 13-059 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE

Councilman Denham noted that Community Housing Resources (CHR) had a need for one of the vehicles. He further spoke to giving a vehicle to CHR.

Ms. Zimomra noted that the truck was the vehicle used for towing the Police Department boat. She further stated that Council had previously authorize a vehicle be given to a non-profit rather than auctioning it off and CHR believed that there would be a cost savings for them. She noted this was the F-150.

Councilman Denham moved, seconded by Councilman Harrity, to give the staff the authority to give the vehicle to CHR and to adopt Resolution 13-059.

Public Comment

None

The motion carried.

g. RESOLUTION 13-067 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-040 AND PROVIDING AN EFFECTIVE DATE (To budget \$32,500 in contributions from other governmental agencies and \$6,000 in contributions from non-profit organizations in support of the Fertilizer Education and Communication Program. The funds collected will be combined with the City's previously budgeted \$37,000 and matched by Lee County, who will administer the program. This amendment increases the FY13 budget by \$38,500)

Councilman Denham spoke to the City receiving most of the money and was waiting for final approval from Lee County. He noted the date of consideration was now August 20th and asked Mayor Ruane to reach out the Lee County Commissioners and ask them to reconfirm their commitment.

Discussion ensued regarding Mayor Ruane had a scheduled meeting with the County Manager, Councilman Jennings having a past discussion with the Mayor of Sarasota and staff may want to contact them and Sarasota had a fertilizer education program, which was in partnership with the Sierra Club.

Ms. Zimomra read the title of Resolution 13-067.

Councilman Denham moved, seconded by Councilman Harrity, to adopt Resolution 13-067.

Public Comment
None

The motion carried.

- i. Approve assignment/transfer of the project from C.W. Roberts to Ajax Paving Industries of Florida, LLC

Vice Mayor Congress spoke to the transfer of the project assignment.

Mr. Williams spoke to the following:

- Pre-project meeting scheduled
- 90-day contract
- Feasible to complete before season
- Ajax was a more competent contractor and bid on the project
- With transfer the project would be completed at the bid price

Discussion ensued regarding discussion at the Metropolitan Planning Organization (MPO) relative to this company and Cape Coral, Ms. Zimomra asked that since the contract had not been signed that staff look into the company and give a report.

Mayor Ruane moved, seconded by Councilman Denham, to approve the transfer of assignment and give staff the authority to go to the next lowest bidder if when completing a background check, staff finds something that would require this project be transferred to the next lowest responsive bidder.

Public Comment
None

The motion carried.

- b. **RESOLUTION 13-066 ESTABLISHING THE SANIBEL CITY COUNCIL REGULARLY SCHEDULED MEETING DATES FOR THE PERIOD JANUARY 2014 THROUGH AND INCLUDING DECEMBER 2014; AND PROVIDING AN EFFECTIVE DATE**
- d. **RESOLUTION 13-068 APPROVING AN AGREEMENT WITH CLIFTONLARSONALLEN LLP TO PROVIDE AUDITING SERVICES TO THE CITY OF SANIBEL AND APPROVING AN AUDIT ENGAGEMENT LETTER FOR THE CITY'S 2012-2013 FISCAL YEAR AUDIT; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ENGAGEMENT LETTER ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE**
- e. **RESOLUTION 13-069 TO ALLOW FOR THE CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE, IN LIEU OF A PREVIOUS NONCONFORMING DUPLEX STRUCTURE, AND BEYOND THE 24 MONTHS PERIOD PROVIDED BY THE BUILDBACK PROVISIONS OF THE LAND DEVELOPMENT CODE; FINDING THAT THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE HAVE BEEN MET; ACKNOWLEDGING THAT THE NONCONFORMING DUPLEX LOCATED AT 1114/1116 SEAGRAPE LANE WAS SUBSTANTIALLY DAMAGED IN 2005 AND THEREAFTER DEMOLISHED; AND PROVIDING AN EFFECTIVE DATE**

- h. **RESOLUTION 13-070 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-041 AND PROVIDING AN EFFECTIVE DATE** (to appropriate funds for various projects for FY13: 1) To appropriate an additional \$289,207 from the Lee County Tourism Development Council (TDC) for the construction of a damilt restroom at Lighthouse Beach; 2) to appropriate a additional \$40,000 for beach erosion monitoring. These are new sources of funding and collectively increase the FY13 budget by \$329,207)

Ms. Zimomra read the titles of the above Resolutions.

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt the above resolutions.

Public Comment
None

The motion carried.

- a. Approval of Minutes – May 07, 2013 Regular Meeting, May 21, 2013 Redevelopment Workshop, June 04, 2013 Regular Meeting
- f. Award Wulfert and Donax WRF Storage Tank Repairs to Florida Aquastore as a sole source provider in the amount of \$64,700 and authorize the City Manager to execute same (this project is funded in the adopted FY13 budget)

Mayor Ruane moved, seconded by Councilman Denham, to approve the above items.

Public Comment
None

The motion carried.

Council recessed at 9:45 a.m.

Council reconvened at 9:58 a.m.

OLD BUSINESS

Water Quality

Mayor Ruane spoke to a Friday, August 02 meeting with the Corps of Engineers.

James Evans, Natural Resources Director spoke to the following

- Lee County and Sanibel expressing concerns of the Lake Okeechobee run-offs
- SFWMD and corps problem 107% above average for rainfall
- Estuaries full
- SFWMD working with farmers to store water on fields, but full
- System does not have enough above-ground storage
- Everglades Forever Act mandated cleaner water going to Everglades
- Everglades flooding
- Water coming in faster to the lake
- Projects that would allow water storage were future storage
- Discussion regarding policy changes
- Need additional funding
- 2013 WRDA bill for C-43, but still at least 15 years in the future

Discussion ensued regarding Lake Okeechobee at 15.91 feet, normally the Lake is at 14 feet this time of year, discussion with Commissioner Hall as a result of the meeting, last year Mayor Ruane went to SFWMD meeting

to talk about money and from a business point of view, speaking to Board of Realtors in September, Mayor sits on Tourism Development Council, Councilman Harrity liaison to Horizon Council and need to talk about money, Mayor may be going to Congressman Radel's Town Hall meeting this week, Mayor spoke to Senator Benacquisto, need to have more people engaged, like for Council to pivot the discussion to a business standpoint, propose allocation of funds to hire a firm to work with the Natural Resources department, asked the City Manager to reach out the Van Poole, Legislative Affairs consultant for more time with legislative officials, commitment from South Florida Water Management District (SFWMD) promised to have more water storage, more money spent on the east coast than the west coast, try to maintain the lake level between 12.5 feet and 15.5 feet, but the critical level is 17.25 feet, use the area captains group, need to talk about tourism, real estate, need to use Council's liaisons for discussion, challenge would be the need for outside help, already reached out to Lee County and they suggested a firm, have Director Evans work solely on Water Quality, contract help for Natural Resources, town hall meeting, water quality affects real estate sells, money from Big Sugar to elected officials, City of Venice had water quality workshops, previous educational water campaign, contact Senator Richter, was there an official City strategy and position priority, Director Evans noted that there were several plans, Caloosahatchee Watershed Plan with a list of project and completion of projects, but funding was scarce, acreage purchased under then Governor Crist for water storage, which would be used for the Everglades project, Comprehensive Everglades Program, which encompasses all needed projects, but billions of dollars away, the plan needs to be implemented, need to refine what Council wants, political issue, what would Councilman Denham's role be in the City strategy, need to look at the economic impact of the water coming from Lake Okeechobee, business community needed to get involved, Gravina Smith was the firm Lee County suggested, Mayor Ruane point person for Horizon, TDC and realtors, need a game plan, what about a water quality meeting, could have a meeting if necessary and may want to speak with federal representatives.

Mayor Ruane moved, seconded by Councilman Denham, to allocate \$50,000 out of environmental reserves, authorize staff to execute agreement with Gravina Smith, authorize contractual help for Natural Resources and Director Evans to work solely on water quality issues.

Public Comment

Gloria Hannan spoke to the whole community needing to get involved.

Ric Base, Director of Chamber of Commerce agreed with the plan of action.

Karen Storijohan spoke to looking at archived information, community involvement and public safety issues.

Mike Valiquette spoke to his support.

The motion carried.

Mayor Ruane announced that City Council would be recessing to going into the Executive Session.

Council recessed at 11:10 a.m.

Convene an EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS

In attendance shall be only the following persons:

Mayor Kevin Ruane

Crystal Mansell, Administrative Services Technician

Vice Mayor Doug Congress

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

Councilman Mick Denham

Councilman Marty Harrity

Councilman Jim Jennings

Sanibel City Manager Judie Zimomra

Sanibel City Attorney Kenneth B. Cuyler

Jim Isom, Director of Administrative Services

Council reconvened into open session at 12:15 p.m.

Mayor Ruane spoke to the following:

- Reapplying for Department of Environmental Protection (DEP) permit
- Need updated action plan should the beach become inundated with algae

Ms. Zimomra stated that a permit was a permit to experiment and the main restrictions were snowy plovers and sea turtles. She further spoke to the Public Works staff working with DEP to obtain an outright permit and may have certain restrictions at different times of the year.

Discussion ensued regarding Chamber Government Affairs Committee requesting a copy of the action plan, apply for permit and understand that there may be restrictions.

Mayor Ruane moved, seconded by Councilman Denham, to direct staff to continue discussion with Department of Environmental Protection Agency (EPA), distribute action plan and modify or enhanced as needed according to the permit.

Public Comment
None

The motion carried.

Update relative to the citizen fertilizer educational program and discussion of revisions recommended to the Interlocal Agreement relating to the Fertilizer Educational Program which is proposed to be considered for approval by the Lee County Board of Commissioners on August 13, 2013

Councilman Denham spoke to continuing to work with staff.

Continued discussion of draft legislation prohibiting discharge of passengers in City right-of-way by vehicles including buses and prohibiting stopping and parking of vehicles in and near City beach parking lanes which block other vehicles and discharge passengers in travel lanes

Mayor Ruane asked this be pulled and put on the September 07 City Council agenda.

**Direction to staff regarding the proposed crosswalk policy and study areas
Crosswalk Policy Revisions**

Ms. Zimomra spoke to the following:

- Cost estimate with easement information
- Possible needed easement
- Anticipate completing work this fall Lay Flamingo and Dairy Queen location
- Lily & Co. and Bailey's Shopping Center would be completed this season after drainage was planned and easements were gotten
- Jerry's crosswalk would be completed in the Spring, 2014
- Use existing contractors on island for all

Mayor Ruane moved, seconded by Councilman Denham, to direct staff to bring back the crosswalk policy with revisions as a resolution at the September 07 City Council meeting.

Public Comment
None

The motion carried.

1020-1046 Periwinkle Way

Ms. Zimomra noted that the open question was the narrower width of the Shared Use Path and the signage intrusion.

Keith Williams, Public Works Director spoke to the following:

- Proposed width was 8 feet
- Lack 6 inches due to the Lazy Flamingo sign
- Based on field conditions was to move the path closer to the road by 6 to 8 inches, use white line area adjacent to the sign
- Narrow the path by a foot in that area, which would be 8 feet and white line

Discussion ensued regarding funds in the current budget, funds not in the proposed budget, Ms. Zimomra answered that staff would be bringing back to Council monies that were left over from other projects and use for the above, projects have all been encumbered and take funds left over from other projects, working on estimates, needed to move quickly as not to pay for an additional mobilization, move closer to the road, Mr. Williams noted that standard width was 5 feet for buffer and staff would either reduce that buffer, steer the path slightly closer to the road adjacent to the sign or take the path from 8 feet to 7 feet in front of the sign, moving sign would be costly and at the City's expense, does Council want field conditions to dictate, and able to pivot without creating a safety concern of someone hitting the sign.

Mayor Ruane moved, seconded by Councilman Denham, to move path 6 inches closer to road and field conditions prevail and give the Public Works Director the discretion to determine.

Public Comment
None

The motion carried.

Tarpon Bay Road & Island Inn Road

Mayor Ruane noted that staff recommendation was to proceed with design negotiations and acquisition of easements.

Mr. Williams spoke to the following:

- Construct the path on Tarpon Bay Road on the north side at Island Inn Road
- Crosswalk across north south across Island Inn Road
- Would lead the path and bicyclists to the property to the southwest end of Island Inn
- Some form of work to gain access the property base on drainage
- To be completed this year

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

Councilman Harrity noted he would recuse himself due to conflict of interest.

Public Comment

Karen Storijohan spoke to her concern of doing drainage work on the above, but not doing drainage work on the crosswalk at the north side of the Post Office. She further spoke to bike turning out to outgoing traffic. Could the drainage issue at the Post Office be combined with other drainage problems?

Ms. Zimomra noted that if Council wanted to include the above the project would not be completed this fall. She recommended that Council bifurcate the two crosswalks and drainage projects.

Director Williams noted that staff would look at this crosswalk and drainage to be responsive.

Patty Sousa spoke to her understanding that when the crosswalk was constructed at the Post Office and the reason that it was at the north side of the Post Office exit was because it was too close to the crosswalk at Tarpon Way and Periwinkle Way. She further stated that the intent was to work with the Post Office to continue the path because there was a walkway behind the boxes, but the Post Office would not work with the Bike Club or City staff because of something federal.

Ms. Zimomra spoke to the open swell, the proximity to other crosswalks and Lee Street being a public street and puts the crosswalk at an existing intersection.

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

Mayor Ruane asked if staff could review the situation.

Periwinkle Way & Casa Ybel Road

Director Williams spoke to the recommendation:

- Recommended alternative after analysis was to compliment the Police Department's input regarding lane location and assignments for Jerry's and Casa Ybel
- Relocate the existing north south crosswalk across Periwinkle Way from the east side to the west side of the intersection
- Concern whether this alternative would discharge bikes and pedestrians into Jerry's parking lot
- Path of least resistance was the front of the property
- Crosswalk on the east side still requires a biker and pedestrian to diagonally cross the main ingress/egress that leads to the covered parking
- Relocating the crosswalk to the west side bikers and pedestrians would cross perpendicular traffic lanes of the surfaced parking lot and puts traffic on the more desirable side of the main ingress/egress of the intersection
- Key point was the operation of the intersection and the goal was safety first
- Must review potential conflicts with vehicular movements between bikers and pedestrians
- Must review turning movements especially right-hand movement where the drivers eyes may be directed away from the crosswalk
- Looked a data for peak 4 hours and the relocation from the east side to the west side reduces the turning conflict movement from 1,100 to 364 vehicles

Discussion ensued regarding traffic coming out of Jerry's parking lot and not considered sufficiently, from bikers perspective was very dangerous, Mr. Williams answered agreed the intersection was dangerous and part of the derivative that leads to a west side crosswalk because those entering Jerry's on the east side still continue to the main ingress/egress crossing, which is a diagonal unyielding crosswalk, concern by some residents the recommendation was not the best solution, which includes the Bike Club President, bike club was in agreement with the recommendation, bike club president felt differently, but did not represent bike club, Ms. Zimomra noted that if Council were to direct staff to begin working on easement may drive the development and may need to come back for modification after those discussions, Ms. Zimomra noted that staff was looking at this for construction in the Spring 2014, not in next year's budget, lump sum in the budget for shared use paths or street projects improvements, and could be done as part of the lump sum allocation .

Vice Mayor Congress moved, seconded by Councilman Harrity, to direct staff to proceed meeting with property owners for easement acquisition, begin negotiation, continue to take input from the public and bring back to Council with a recommended design.

Public Comment

Claudia Burns spoke against the recommendation.

Patty Sousa spoke to the intersection being a problem. She further spoke to meeting with engineers and Jerry's personnel and the east crossing being a nightmare.

Discussion ensued regarding controlling where bike come into the parking left by turning left, could create a path to extend the length and feed bikers far west, comes down to acquisition and Mr. Williams noted that people use the path of least resistance, but staff could look at a path that would lead mid-way to Jerry's and up to staff to make this intersection as safe as possible.

Mayor Ruane amended the motion to allow staff to continue with acquisitions and bring back to City Council one last time before moving forward.

Vice Mayor Congress and Councilman Harrity agreed with the amendment.

Karen Storijohan spoke to Bailey's parking lot installed a wide pathway indicating pedestrians and could this not be done at Jerry's with a striped pathway.

Ms. Zimomra noted that Bailey's came before the Planning Commission for an improvement, but Jerry's was satisfied with the way their parking lot was at this time.

The motion carried.

CITY MANAGER

Informational Items

Memorandum of proposed code amendments to rezone the Causeway property

Information only.

Historical Museum and Village, Inc., Financial Report

Ms. Zimomra noted there were questions and would get the answers at the September 07 meeting.

Recreation Membership and Revenue Report

Information only.

Update on "Tot Lot" playground at ball field complex

Ms. Zimomra spoke to the following:

- Two-thirds off funding
- No school participation
- Remove due to safety concerns
- Cost \$12,000

Discussion ensued regarding another conversation with Sanibel School, City to fund, Mayor talk to with school principal, Interlocal for funding on one-third three ways,

Mayor Ruane moved, seconded by Councilman Harrity, to proceed with construction and Council would find the \$4,000.

Public Comment

None

The motion carried

Ms. Zimomra noted that if someone wanted to make a contribution it was tax deducted.

Horizon Council Industry appreciation Luncheon Friday, Friday, September 20, 2013 Harborside Event Center – table of 8

Ms. Zimomra noted that Mayor Ruane would be at the head table, Councilman Jennings and spouse, Vice Mayor Congress and guest, Councilman Denham and guest and Councilman Harrity and guest.

CITY ATTORNEY'S REPORT

None

Discussion of “local preference” criteria in bidding and procurement procedures as directed by City Council

Mr. Cuyler spoke to the following:

- Brought forward at the request of Council
- Legal and some cities do and some do not
- No common regulations
- Taxpayers should get the lowest price for goods and devices; give a small advantage to local business there was an indirect benefit from local businesses due to having local employees

Discussion ensued regarding flexibility to allow a local person to receive business, looking for a dollar amount, define flexibility, other cities look at 5%, bidding on federal projects the vendor of record gets to look at the lowest bid and given option to match bid, Mr. Cuyler noted not having specific guidelines that would cause a problem, if Council wanted a 2% preference for a local vendor, staff could speak with Sarasota, Sarasota used 5%, a local business has the opportunity to match the bid, Mr. Cuyler noted that using that process City staff would need to go through bids again, 5% seems to be the preference, Mr. Cuyler noted the information was to provide Council with the opportunity to understand the options, sometimes vendors outside the area would not bid due to local preference, could bring back options to Council and Ms. Zimomra spoke to bids for professional services was not a low bid situation, Mr. Cuyler spoke to different processes and would bring back to Council.

COUNCIL MEMBERS' REPORT

Report regarding Metropolitan Planning Organization (MPO) meeting of Friday, July 19, 2013

Mayor Ruane spoke to there not being a meeting on the above date.

Causeway Semi-Annual Report

Vice Mayor Congress spoke to the following:

- Talks about finances of toll plazas in Lee County
- Sanibel tolls brought in \$7.8 million
- Mid-point \$7.2 million
- Cape Coral \$6.9 million

Letter from Billy Kirkland dated July 9, 2013 regarding Segway tours

Vice Mayor Congress spoke to the following:

- Request from Mr. Kirkland
- Reviewed minutes and legislation

Mr. Cuyler spoke to the following:

- State enacted a statute that said Segway's were permitted statewide on bike paths unless the governmental body held a hearing and determined there was a safety issue
- Council adopted legislation against personal use
- Mr. Kirkland applied for conditional use for a tour and was approved
- Council amended legislation and an exception for a Segway tour operation
- Condition use permit to operate a Segway tour
- Prohibited in other areas
- Mr. Kirkland could apply to have the tour changed

- Address matter with both City Council and Planning Commission for additional tour operation amendments

Vice Mayor Congress moved, seconded by Councilman Jennings, to direct staff to bring back Segway legislation for first reading at the September 07 City Council meeting incorporating Mr. Kirkland's recommendations.

Public Comment

Patty Sousa spoke to the bike club being in support of Mr. Kirkland's request.

Wayne Ponader spoke against the proposal.

David Bath spoke against the proposal.

Billy Kirkland spoke to his proposal.

The motion carried.

COUNCIL COMMENT

Councilman Jennings spoke to the increase in health care.

Mayor Ruane spoke to the need for a meeting with all stakeholders including Mayor Ruane being present. He asked Councilman Harrity if he could attend the next two Horizon Council Executive meeting and if he could attend the next two Chamber Governmental Affairs meeting. Both confirmed.

Mayor Ruane also spoke to meeting with Steve Maxwell, his attorney and Ken Cuyler. He further spoke to no records two years after incorporation, address issues and close the matter.

Mayor Ruane spoke to the attendance of the Stewardship Advisory Committee meeting Thursday, August 08 at 5:30 p.m. to possibly purchase the Woodring Point property.

Ms. Zimomra noted that three Councilmembers had received an invitation.

Discussion ensued regarding if three attend the only one should speak, Ms. Zimomra noted that the fund was an approved millage, no land acquisition on Sanibel, referendum put in place 10 plus years ago, \$60 million in the fund and email from Roy Hyman regarding same.

Councilman Harrity, Councilman Denham, to attend the meeting on behalf of City Council speaking for the purchase using 20/20 funds.

Public Comment

None

The motion carried.

There being no further business the meeting adjourned at 2:11 p.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk