

**SANIBEL CITY COUNCIL REGULAR MEETING
SATURDAY, SEPTEMBER 07, 2013**

Mayor Ruane called the meeting to order at 11:18 a.m.

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

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

Mike Valiquette, Chairman gave the August 28, 2013 Planning Commission Report as follows:

- Variance for accessory business sign and parking, which was granted
- 1 bonus outdoor dining seats, which was granted
- Permission to split dining into 2 sections
- Discussion regarding redevelopment and permitted uses

Discussion ensued regarding adopting items on a consent agenda item.

Mr. Cuyler noted the following:

- Could Council grant a permitted use and put in code
- Not a lot requirements for adoption procedures
- If property rezoned or change list of prohibited uses and requires notice by City Council

Public Comments

Steve Maxwell submitted a document for City Council's review.

Council Comments

Councilman Jennings noted he was without power last evening. He also thanked Mayor Ruane and staff for discussion relative to Lake Okeechobee releases.

Councilman Denham also spoke to Lake Okeechobee water releases.

Councilman Harrity also spoke to Lake Okeechobee water releases.

Mayor Ruane spoke to a 5 hour meeting with Civic Core stakeholder meeting and the next meeting was set Monday, September 2, 2013. He further asked for permission to hold the second meeting.

Vice Mayor Congress moved, seconded by Councilman Denham, to approve Mayor Ruane meeting with the Civic Core stakeholder on Monday, September 23, 2013.

Public Comment
None

The motion carried.

ORDINANCE 13-004 AMENDING THE CODE OF ORDINANCES, CHAPTER 90 - FEES, ARTICLE V. RECREATION USER FEES, DIVISION 2 – SANIBEL RECREATION CENTER, SECTION 90-531 – MEMBERSHIP FEES; PROVIDING

FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 13-004.

City Council set the second reading and public reading on Tuesday, September 17, 2013 at 9:15 a.m.

ORDINANCE 13-005 AMENDING THE CODE OF ORDINANCES, CHAPTER 90 - FEES, ARTICLE V. RECREATION USER FEES, DIVISION 1 – SANIBEL RECREATION CENTER, SECTION 90-501 – RECREATION USER FEES; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 13-005

City Council set the second reading and public reading on Tuesday, September 17, 2013 at 9:15 a.m.

Sewer Rates

RESOLUTION 13-071 ADOPTING AND ESTABLISHING A REVISED SCHEDULE OF RATES FOR THE SANIBEL SEWER SYSTEM AND PROVIDING FOR A _____% INCREASE IN RESIDENTIAL AND COMMERCIAL RATES AND CONNECTION FEES; AND PROVIDING AN EFFECTIVE DATE AND

RESOLUTION 13-072 ADOPTING AND ESTABLISHING A RATE SCHEDULE FOR THE SANIBEL SEWER SYSTEM AND PROVIDING FOR _____% INCREASE IN RATES FOR GENERAL RECLAIMED WATER CUSTOMERS; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolutions 13-071 and 13-072.

Mayor Ruane noted the requirement in the original adopted legislation calls for a 3% increase, but in past year Council refinanced debt, was included in the budget with no increase, but no increase would have a compounded effect.

Discussion ensued regarding the possible need for maintenance due to an aging system, prudent to increase by 1% to 1.5%, initial ordinance was adopted with a 3% increase annually, compounding affect would save money over time, and increase would be \$6.48 per quarter.

Vice Mayor Congress moved, seconded by Mayor Ruane, to adopt Resolution 13-071

Public Comment

Jonathan Tonugayi spoke to relating to the cost of connection.

Sylvia Edwards, Finance Director State the connect fee would also increase.

Public Comment

None

The motion carried

Mayor Ruane moved, seconded by Vice Mayor Congress, to adopt Resolution 13-072 and fill in the blank to increase reclaimed water rates by 1.5%.

Public Comment

None

The motion carried.

Quasijudicial Hearing

RESOLUTION 13-077 FOR FINAL PLAT APPROVAL TO RE-PLAT THE RECORDED SUBDIVISION PLAT FOR BEACHVIEW COUNTRY CLUB ESTATES, UNIT NO., 2, BY ALLOWING FOR THE SUBDIVISION OF TRACT "B" (A/K/A THE GOLF COURSE PARCEL), THE CREATION OF A NEW PARCEL -TRACT "F"- CURRENTLY OCCUPIED BY THE EXISTING TENNIS COURT FACILITIES AND THE REASSIGNMENT OF THE REMANING RESIDENTIAL DENSITY FOR THE SUBJECT PROPERTY LOCATED AT 1100 PAR VIEW DRIVE (TAX PARCEL NO. 30-46-23-T1-0330B.0000) AS REQUIRED BY THE PRELIMINARY PLAT CONDITIONS OF PLANNING COMMISSION RESOLUTION 13-15 APPROVING APPLICATION NO. 13-7438DP

Ms. Zimomra read the title of Resolution 13-077.

Mr. Cuyler noted there were no ex parte notations for City Council.

Councilman Harrity noted that he needed to recuse himself.

The City Clerk swore-in those giving testimony as follows:

Jimmy Jordan, Planning Director
Beverly Brady, Attorney
Jim Power, Beachview

Director Jordan gave a brief overview as follows:

- Final plat approve
- Application reviewed by Planning Commission and adopted
- Plat was a replat of f, unit 2 track b
- Proposed for a new track f and sub-divided to be sold or operate separately from the tennis court facility
- Council could waive the outside consultant review
- Staff concurred to waive the fee of approximately \$8,000
- Anticipating consultants to complete review
- Staff recommendation subject to completion of final plat review

Mr. Cuyler noted that Council would render the final action.

Discussion ensued regarding staff and Planning Commission approved, applicant met majority of condition and final plat r review needed to be executed once review was completed,

Mayor Ruane moved, seconded by Councilman Denham, to adopted Resolution 13-077.

The motion carried, with Councilman Harrity recusing.

CONSENT AGENDA

Mayor Ruane pulled item (o) for discussion. Councilman Denham pulled item (f) and Vice Mayor Congress pulled (i) for discussion.

- f. Approval of contract between the City of Sanibel and Gravina-Smith Matte and Arnold regarding Water Quality issues and authorize the City Manager to execute same

Councilman Denham asked for clarification of this agreement.

Ms. Zimomra noted that the consultant would work the media at all meetings and possible places were citizen contact of key legislators and water district board members.

Discussion ensued regarding using Legislative Affairs services for a variety of issues, but Gravina Smith would be used locally, possibility for additional funds.

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

Public Comment
None

The motion carried.

i. **Approval of Change Order with Razorback LLC for the Lighthouse Restoration Project in the amount of \$73,250 and authorize the City Manager to execute same**

Vice Mayor Congress spoke to the budget being \$350,000 and the bid came in lower, but there were additional items that needed to be restored, disappointed that items were not seen and included in the initial bid.

Director Williams spoke to the following:

- Knew there may be items that could not be seen due to the height
- Staff concerned was the bid would be above budget

Discussion ensued regarding getting the bid correct, what was the downside of bids coming in beyond budget, then rebid, Director Williams noted that the grant of \$50,000 would have been lost, 100% nature of the work was not in the initial bid, contractor able to complete and structural engineer reviewed to approve additional necessary items.

Vice Mayor Congress moved, seconded by Councilman Denham, to approve the change order.

Public Comment
None

The motion carried.

o. **Award Pond Apple Park Trail CDBG Accessibility Boardwalk construction contract to Helenbrook Homes, Inc. in the amount of \$34,800.00 and authorize the City Manager to execute same AND RESOLUTION 13-073 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-044 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$13,940 for the construction of an accessible boardwalk for the Pond Apple park trail from environmental reserves. These funds supplement a grant that was received for the construction. This does not increase the FY13 budget)

Mayor Ruane recognize working with SCCF.

Mayor Ruane moved, seconded by, Councilman Denham, to approve the contract and adopt Resolution 13-073.

Public Comment
None

The motion carried.

- e. **RESOLUTION 13-074 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-043 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$89,754 for water quality project addressing Lake Okeechobee water releases for FY13 from beach parking ending fund balance. This does not increase the FY13 budget)

Councilman Denham moved, seconded by Mayor Ruane, to adopt Resolution 13-074.

Public Comment
None

The motion carried.

- a. Approval of minutes – August 06, 2013 Regular Meeting
- b. Request authorization from City Council to serve alcohol (2 ozs. wine) tasting during intermissions at B. I. G. Arts 900 Dunlop Road cultural events from October, 2013 through April, 2014
- c. Approval of a West Coast Inland Navigation District (WCIND) grant in the amount of \$50,000 for funding of one full-time Marine Officers and authorize the City Manager to execute same
- d. Approval of a West Coast Inland Navigation District (WCIND) grant in the amount of \$27,500 for funding to dredge the Sanibel boat ramp and carry out improvements to the police boat dock and authorize the City Manager to execute same (Total cost \$55,000 with \$27,500 from the WCIND grant and in the proposed FY13/14 budget \$27,500 within the Beach Parking Budget of which \$15,000 for boat dock re-decking through TDC funds and \$12,500 for dredging through non-TDC funds for the required City match)
- g. Approval of an Interlocal Agreement providing control of pollutants between the City of Sanibel, City of Fort Myers, City of Cape Coral and Town of Fort Myers Beach, the Brooks Community Development District, CFM (Magnolia Landing) Community Development District, Colonial Country Club Community Development District, East County Water Control District, the East Mulloch Water Control District, Gateway Services Community Development District, Bayside Improvement Community Development District, Bay Creek Community Development District (Bayside/Baycreek), Heritage Palms Community Development District, Lucaya Community Development District, Miromar Lakes Community Development District, River Hall Community Development District, River Ridge Community Development District, and San Carlos Estates Drainage District, Catalina at Winkler Preserve Community Development District, Florida Department of Transportation an agency of the State of Florida and County of Lee ad authorize the Mayor to execute same
- h. Approval of an agreement between the City of Sanibel and the School Board of Lee County for a School Resource Officer in the amount of \$40,000 from August 11, 2013 through August 10, 2014 and authorize the City Manager to execute same
- m. Request authorization approving the use of the City Seal for the United Way Pacesetters Campaign

n. Approval of an Interlocal Agreement between the City and Lee County relating to the Fertilizer Educational Program and authorize the City Manager to execute same (the agreement was approved by Lee County Board of Commissioners Tuesday, August 27, 2013)
Mayor Ruane moved, seconded by Councilman Denham, to approve the above.

Public Comment

None

The motion carried.

OLD BUSINESS

Water Quality Issues

Update on Lake Okeechobee Releases

Director Evans spoke to the following:

- Lake Okeechobee at 15.1 feet
- Last year 14.55 feet
- Rainfall in Calooshatchee Basin
- 2 yrs 10.79 feet
- Low sub-band of releases and gives ACOE the ability to reduce and drop into the next lower band the schedule changes to 3000 cubic feet at S-79
- Measuring at S-80 on east coast
- Measuring at Lake currently
- Likely amount of watershed run-off could stop releases

Senate Select Committee Meeting in Stuart, Florida Thursday, August 22, 2013

Town Hall meeting in conjunction with Lee County Thursday, September 05, 2013

Mayor Ruane spoke to the following:

- Board of Realtors and others involved and attending the Senate Select Committee meeting
- Federal officials noted yes regarding WRDA
- Revisit risk assessment side of LORS 2008
- Risking 1% of dam breach and need to review risk assessment
- Biggest issue at hearing Senator Negron wanted solutions
- Review where flows were measured
- Ask Governor to put pressure on topping flows
- Need to use relationships

Director Evans working on a letter to citizens, associations, TDC, area captains, Chamber, ACOE beginning to look at items differently and 1,000 cubic feet per second going south helps and small projects seem to be working rather than accepting business as usual.

Discussion ensued regarding each Council member having different support circles, when rains stop need to continue pressure, need to have area water management district, Greg Barber before Council and need citizens engaged, where so legislators stand for property south and any intent to move forward with purchasing US Sugar land, who was looking at allocation and appropriation of money, whole communities of people that would be destroyed if land was purchased, of \$90 million allocation for bridge project and take part of the land to buy property, Director Evans noted that he did not support former Governor Crist sugar land purchase and hard to reverse decision, hearing fro water district US Sugar was no longer a willing seller, impossible for state to act on purchase of lands, have first right o refusal, not utilizing land purchased, 27,000 acres purchases and using 3,000 acres of land for storage, working on planning project, leasing lands back, Lee County would not see a benefit, could be used for water storage and could be exchanged for useful land, use land to 1) measure benefits directly or indirectly, 2) 20/20 purchase of land, 3) should not have to pay for land, should use 27,000 acre feet of land,

and preparing a letter to go to different entities, governor, Army Corps of Engineers.

Update on fertilizer public education

Mayor Ruane spoke to Lee County Commissioners approving funds and Councilman Denham spoke to the name of a person to serve on committee

Public Comment

Karen Storijohan spoke to Sanibel taking a concrete effort to educate the public. She suggested putting together an informational packet and key acronym list.

Correspondence to Legislators State and Federal

Letter dated July 30th to Daniel O’Keefe, Chairman of the South Florida Water Management District (SFWMD) regarding Lake Okeechobee discharges and storage

Letter dated July 30th to Senator Benacquisto regarding Lake Okeechobee discharges and storage

Letters dated August 5th to Senators Nelson and Rubio and Congressman Ravel regarding funding for C-43

Mayor Ruane spoke to above letters and traveling to Tallahassee.

CITY MANAGER

Informational Items

Letter dated August 19, 2013 from The Insurance Services Office, Inc. (ISO) to inform the City of the rating system

Ms. Zimomra noted the rating was maintained and would be receiving flood facts and a simple flyer requesting help regarding water quality.

Distribution of the new “Dark Sky” brochure

Ms. Zimomra noted the above mailed out to property owners and the highest reviewed video.

Recreation Membership and Revenue Report

Information only.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Attendance at the Tourism Development Council (TDC) meeting of Friday, August 10, 2013

Attendance at the Florida League of Cities Conference August 15 to 19, 2013

Reported on earlier.

Attendance at the Metropolitan Planning Organization of August 16, 2013

Vice Mayor Congress spoke to the following:

- Interesting presentation with regards to smart growth

Southwest Florida Regional Planning Council (RPC) FY14 Work Plan and Budget

Vice Mayor Congress spoke to inclusion of the above as well as flood insurance increases.

Mayor Ruane spoke to sending out 122 letters for the insurance rates. He further spoke to Mayor Mandel, Ft. Mayors

Mayor Ruane moved, seconded by Councilman Harrity, to make Vice Mayor Congress liaison to Horizon Council.

Councilman Harrity spoke to the need to review and evaluated the City Manager and City Attorney as well as their salaries.

Councilman Harrity moved, seconded by Mayor Ruane, to approve Mayor Ruane to perform an annual review and compensation package for City Manager and City Attorney and bring a recommendation to City Council.

The motion carried.

Councilman Jennings spoke to sitting down and dining together.

PUBLIC COMMENT

None

There being no further business the meeting was adjourned at 1:20 p.m.

Respectfully submitted by,

Pamela Smith, MMC
City Clerk