

**SANIBEL CITY COUNCIL REGULAR MEETING
TUESDAY, SEPTEMBER 17, 2013**

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

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

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

PRESENTATION(S)

Presentation by Jodi Phillips, Community Campaign Manager on behalf of the United Way of Lee, Hendry and Glades Counties to present the “Circle of Excellence Award” to the Sanibel-Captiva Community and City of Sanibel Employees (Sanibel Captiva Campaign Committee – Tom and Linda Uhler, Tony Lapi, Dick and Debbie Riley and Allison and Chauncey Goss)
Mayor Ruane spoke to the United Way Circle of Excellence. The award was presented.

Proclamation announcing Industry Appreciation Week September 16 to 20, 2013 (to be presented at Industry Appreciation luncheon)

Mayor Ruane announced that this proclamation would be read at the Industry Appreciation luncheon.

Presentation by Rick Barber, South Florida Water Management District (SFWMD) Governing Board Representative for the Lower West Coast (Lee, Charlotte, Collier & Hendry counties)

Mr. Barber was unable to attend and will be scheduled for a later time.

PowerPoint presentation on Golf Course Fertilizer and Lake Management Annual Report Cards

Holly Milbrandt gave a brief PowerPoint presentation.

Discussion ensued regarding the presentations and forward thinking of each golf course.

Mike Valiquette, Chairman Planning Commission gave the following report

- Application for detached garage on Woodring Road, but was withdrawn by applicant
- Draft ordinance for permitted uses and approved by the Planning Commission; new section establishing procedures to amend the list if an applicant had a type of business on the list, come to staff and without a fee get input from the Commission through the City Manager’s office come before the Planning Commission for consideration
- Ongoing discussion regarding pervious pavers and impermeability of pavers and Council may want to amend driveway use of pavers

Discussion ensued regarding once sand gets between paver it reduces the impermeability, Chairman Valiquette noted that was not a concern, using brick pavers once shell was removed was helpful with drainage, recommend using impervious pavers, priorities should be land development code and a possible topic after the former was accomplished and adopted.

Ms. Zimomra noted that approximately 130 letters were sent out to elected officials relative to the new flood insurance rates. She further noted that Senator Nelson responded favorably and used the City’s wording to call for the delay of the law taking effect.

Public Comments

None

Council Comments

Councilman Jennings spoke to the Industry Appreciation luncheon was a great event. He also spoke to a hole in Dunes streets.

Ms. Zimomra noted the Island Water and Director Williams met and this would be corrected.

Councilman Denham noted that Councilman Jennings would be having surgery. He further spoke to the flooding in Colorado.

Councilman Harrity noted the work that Councilman Denham had made with fertilizer education. He also mentioned the letter Mayor Ruane received from Senator Nelson.

Mayor Ruane spoke to the National Flood Insurance being a governmental entity. He also spoke to the prompt response from Senator Nelson. He also spoke to the budget process and the accomplishments of City Council lowering the millage rate for the 7th year. He further noted that another \$1.2 million was paid toward pension benefits.

First Reading of an ordinance and scheduling of public hearing.

ORDINANCE 13-006 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 114 SUBDIVISION, ARTICLE II ADMINISTRATION, DIVISION 5, PLATS, SECTION 114-106., - PRELIMINARY PLATS, BY ADDING A NEW SUBSECTION (11), ALLOWING FOR THE PHASED DEVELOPMENT APPROVAL OF A PRELIMINARY PLAT; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 13-006.

City Council set the second reading and public hearing for Tuesday, October 01, 2013 at 9:15 a.m.

ORDINANCE 13-007 AMENDING CITY OF SANIBEL ORDINANCE NO. 05-011, AS AMENDED, RELATING TO ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICES (“EPAMDs”); APPROVING ADDITIONAL AREAS OF THE SHARED USE PATH, ROADS AND ROAD RIGHTS-OF-WAY FOR AUTHORIZED TOUR OPERATIONS; PROVIDING FOR AMENDMENTS TO SEVERAL MINIMUM CONDITIONS AND REQUIREMENTS FOR THE USE OF EPAMDs IN AUTHORIZED AREAS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 13-007.

City Council set the second reading and public hearing for Tuesday, October 01, 2013 at 9:15 a.m.

ORDINANCE 13-008 PERTAINING TO CHAPTER 14 OF THE SANIBEL CODE ENTITLED “BUILDING AND BUILDING REGULATIONS”; AMENDING ARTICLE IV, PERMITS, SECTION 14-191, FEE SCHEDULE, AND ARTICLE V, STANDARDS, SECTION 14-212, VALUE OF PROJECT OR WORK; AMENDING THE BUILDING PERMIT AND BUILDING REGULATION RELATED FEES SET FORTH THEREIN TO REDUCE SUCH FEES BY 25% WHILE MAINTAINING THE MINIMUM FEE

STRUCTURE; ESTABLISHING THE CURRENT SCHEDULE OF FEES AND SUPERCEDING AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 13-008.

City Council set the second reading and public hearing for Tuesday, October 01, 2013 at 9:15 a.m.

Second Reading and Public Hearing

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.

Vice Mayor Congress moved, seconded by Councilman Harrity, to adopt Ordinance 13-004.

Discussion ensued regarding when were the fees last amended and Director Miller answered 2012.

Public Comment

None

The motion carried.

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.

Vice Mayor Congress moved, seconded by Councilman Harrity, to adopt Ordinance 12-005.

Public Comment

None

The motion carried.

CONSENT AGENDA

Vice Mayor Congress asked that items (l) and (o) be pulled (d). Mr. Cuyler asked that Council continue item (m) and corrected the dates within item (e) as October 01, 2013 to September 30, 2014.

- d. Request from Ted Tyson to co-sponsor an event with the Sanibel-Captiva Veterans Support Group honoring veterans on the 70th Anniversary of D-Day (June 06, 2014)
Mayor Ruane spoke to the event.

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

Public Comment

None

The motion carried.

1. **RESOLUTION 13-083 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-046 AND PROVIDING AN EFFECTIVE DATE** (To adjust revenue and expenditure in the FY13 amended budget to agree with estimated actual (some estimated actuals that were not material to a fund or the line item are not included). This amendment increases the FY2013 Amended Budget by \$461,904 due to estimated actual revenues being more than the current amended budget. The revenue adjustment is included in the FY2014 Tentative Budget's beginning fund balance as the estimated actual revenues and expenditures are used in determining FY2013 ending fund balance and Fy2014 beginning fund balance. Capital projects rolled forward on pages 4 and 5 are annotated with an asterisk "*" and total \$2,207,387. The capital projects rolled-forward are included on the FY 2014 Tentative Budget)
Vice Mayor Congress thanked staff for their due diligence in the estimated actuals.

Ms. Zimomra read Resolution 13-083

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt Resolution 13-083.

Public Comment
None

The motion carried.

- m. Approval of an agreement with Walgreens Community Off-site Clinic, representing the Florida League of Cities Hometown Health Program, to provide free flu shots to City employees and spouses covered by the City's health insurance; and provide pneumonia immunizations to City employees on a voluntary basis, the cost of which will be paid by the City

Mr. Cuyler noted that this item needed to be continued until October 01, 2013 City Council meeting.

- o. Approval of General Employees' Pension Plan's actuarial assumption changes
Vice Mayor Congress spoke to this reducing the annual unfunded pension liability.

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

Public Comment
None

The motion carried.

- k. **RESOLUTION 13-082 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-045 AND PROVIDING AN EFFECTIVE DATE** (To record \$3,000 contribution from Sondra Gilbert for assistance in the construction of an accessible boardwalk with Harrison Gilbert memorial bench for the Pond Apple Park Trail. This amendment increases the FY13 budget)
- n. **RESOLUTION 13-087 APPROVING A CERTIFICATE OF APPROPRIATENESS FOR THE ALTERATION AND RESTORATION OF THE SINGLE FAMILY DWELLING AND CARETAKER COTTAGE KNOWN AS "SHOREHAVEN", BOTH HISTORIC BUILDINGS LISTED ON THE CITY'S LOCAL REGISTER OF HISTORICAL SITES AND STRUCTURES LOCATED IN THE HISTORICAL MUSEUM AND VILLAGE AT 950 DUNLOP ROAD; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of Resolutions 13-082 and 13-087.

Council Denham moved, seconded by Councilman Harrity, to adopt Resolutions 13-082 and 13-087.

Public Comment

None

The motion carried.

- a. Sanibel Community House SCA, 2173 Periwinkle Way for 60 additional Special Events permits for the 2014 season (the same amount authorized by City Council in 2013)
- b. Request from the Historical Museum & Village, Inc. to serve 2 ounces alcohol on Wednesday, November 13, 2013 from 6:00 to 9:00 pm (fundraising kick-off campaign)
- c. Approval to renew the agreement between the City of Sanibel and the Sanctuary Golf Club, Inc., from October 01, 2013 for a period of one year to provide golf lessons and \$1,000 payable by November 01, 2013 for a corporate membership at the Recreation Center
- e. Approval of an agreement between the City and Joseph M. Angelo for Private Music lessons in the amount of \$320 per student and authorize the City Manager to execute same
- f. Approval of an agreement between the City and Adrienne McCarter for Clay Art instruction in the amount of \$200 per student and authorize the City Manager to execute same
- g. Approval of an agreement between the City and Silvia Villanueva for fitness classes at the Center4Life in the amount of \$11,500 and authorize the City Manager to execute same
- h. Approval of an agreement between the City and Mahnaz Bassiri for fitness classes at the Recreation Center in the amount of \$5,800 and authorize the City Manager to execute same
- i. Approval of an agreement between the City and Mahnaz Bassiri for fitness classes at the Center4Life in the amount of \$18,500 and authorize the City Manager to execute same
- j. Approval of an agreement between the City and Lee County Strikers (soccer, flag football and softball/baseball) for a youth league and authorize the City Manager to execute same
- p. Approval of a grant for \$30,000 from the Florida Wildlife Service for treatment of exotics on Refuge lands (This grant will increase the increase the FY13/14 adopted budget)
- q. Approval of an agreement between the City and Fitness Twist, LLC for fitness classes at the Recreation Center in the amount of \$6,000 and authorize the City Manager to execute same

- r. Approval of an agreement between the City and Fitness Twist, LLC for fitness classes at the Center4Life in the amount of \$8,140 and authorize the City Manager to execute same
- s. Approval of an agreement between the City and Silvia Villanueva for fitness classes at the Recreation Center in the amount of \$4,500 and authorize the City Manager to execute same
- t. Approval of an agreement between the City and Ginger Brien for fitness classes at the Recreation Center in the amount of \$24,000 and authorize the City Manager to execute same
- u. Approval of an agreement between the City and Patricia Gennity for fitness classes at the Recreation Center in the amount of \$17,400 and authorize the City Manager to execute same
- v. Approval of an agreement between the City and Dalia Jakubauskas for fitness classes at the Recreation Center in the amount of \$21,000 and authorize the City Manager to execute same
- w. Approval of an agreement between the City and Sonia Dalmau for fitness classes at the Recreation Center in the amount of \$14,000 and authorize the City Manager to execute same
- x. Approval of an agreement between the City and Jane Ranieri for fitness classes at the Recreation Center in the amount of \$3,500 and authorize the City Manager to execute same

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

Public Comment

None

The motion carried.

Council recessed at 10:00 a.m.

Council reconvened at 10:19 a.m.

OLD BUSINESS

Water Quality Issues

Report regarding Lake Okeechobee releases

Director Evans spoke to the following:

- Lake Okeechobee at 15.5 feet from 15.45 feet
- Additional rainfall in the Kissimmee Basin
- Flows reduced in St. Lucie and Caloosahatchee
- Same time last 15.05 feet
- 2 years ago lake level at 10.94 feet
- Inflows 5,585 cubic feet per second (cfps)
- Outflows 1,840 cfps

- Flows coming in 3 times faster than going out
- System designed for flows coming in 6 times faster than outflows
- Most water coming from Kissimmee Basin
- No back pumping from agriculture for flood control
- Flows from S-77 coming in at 1,401 cfps
- Flows from S-79 (Franklin lock & dam) 4,565 cfps
- Notification from Army Corps of Engineers (ACOE) reducing flows to 3,000 cfps at S-79
- Release schedule was a pulse release with 5,000 cfps at one end & 500 cfps at the other
- Realistically with the amount of rainfall the 3,000 cfps target would probably never be met, but more likely would continue at 4,500 cfps
- If 3,000 cfps target were a flat pulse no water would be released to the Caloosahatchee from S-77 and 3,000 cfps from watershed
- With no flow Lake Okeechobee would rise faster
- At a certain point in the lake schedule the ACOE could increase flows
- Possibility of 6,500 cfps released at S-77
- Weigh options with partners to possibly recommend a flat pulse versus current release schedule
- Small amount at S-77 better than high low and if cut immediately would see algal blooms

Discussion ensued regarding the difference coming from basin versus from lake, about 1,800 cfps from lake and 3,000 cfps from watershed, yesterday's pulse from S-79 was 5,000 cfps, getting a total of approximately 8,000, exceeding amount of flows that impact estuary, Causeway Island shells look neogreen due to increased light and increased nutrients.

Director Evans reported the following for St. Lucie:

- S-308 receiving about 122 cfps
- Majority of flow measured at S-80 for C-44 Basin receiving 1,254 cfps

Discussion ensued regarding desire to review LORS 2008 and look at measurement, policy tweaks could be done on LORS2008, short-term priority policy issues of 1) risk assessment & release schedule; and 2) where flows were measured for high and medium bands, change in LORS2008 or making a judgment call, LORS 2008 had water supply environment (wse) more operational flexibility, ACOE responsible for managing the dike and protecting lake communities, Senate Select Committee and Town Hall meeting encouraging to see that there needs to be a re-evaluation, letter sent out by 5 municipal Mayors to adjust where flows were being measured, no coast for this effort, Mayor attending a Syfie Review Summit in Orlando with other officials, Governor may put pressure, Congressman Radel invitation to Washington D.C. and a game plan, distribute approaches to Council, what officials did Council need to see while in Washington, D.C., could 27,000 acres be swapped to use in a different capacity, opportunity for public partnerships for water storage, table discussion to have a MPO involved, who would make decision regarding changing the risk, Director Evans answered that would be the ACOR, not wanting to use lake as a reservoir, add another 6 inches would positively impact the estuary, 21 miles of improvements made, LORS 5 years old, asking to evaluate improvements to date, many agencies would weigh in on an proposed changes, past review process took several years, pick and choose what elements could be reviewed and revised, any discussion of 2017 when dike renovation completed and the LORS schedule at that time, even though dike improved ACOE want to operate lake level at 12.5 to 15.5 feet, lake would be allowed to peak, but would be significant releases to the west, if lake kept at a lower level all year there would be a better ability to retain level, lake minimum flow levels currently at 10.5 feet and lowered to 10 feet with less lake volume due to the taper, if kept lower without a state violation would be better for Sanibel estuary, should also address the lower lake level, frustration of state relative to money, encouraging the discussion was moving, focusing on short-term, agriculture interest had never been without water, lake ecology critical to remain healthy due to major water quality benefits, appears that scientist have no problem keeping the lake at a lower level, navigation issues if kept lower, and impact on Matanzas Pass.

Public Comment

Shane Springs spoke to the realtors working in concert with the City and spoke to Congress Radel relative to his suggestion of discussion with others.

Letter dated September 06, 2013 from Mayor Alan Mandel, Town of Fort Myers Beach regarding water quality efforts

Letter dated August 26, 2013 from Senator Bill Nelson regarding the Water Resources Development Act (WRDA)

For informational purposes.

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

Mr. Cuyler spoke to the following:

- Follow-up to Council direction
- Basic outline to be included in legislation
- Prepare legislation with a 5% incentive for Sanibel and Lee County (local vendor)
- Definition for “local vendor”
- Applicable for competitive sealed bid addressing original situation
- Not for request for qualifications or proposal for CCMA
- Certain exemptions (emergencies, piggybacking on another contract)
- Could prepare for first reading October 01

Discussion ensued regarding not an uncommon practice, policy issue and could be expanded or criteria changed, sealed bids if bid more from an out of county vendor, Mr. Cuyler noted it would be the lowest price and 5% add on a local vendor, award to the lowest bid and bring back as a first reading.

Mayor Ruane moved, seconded by Councilman Denham, to direct staff to bring back legislation for first reading on October 01, 2013.

Public Comment

None

The motion carried.

Continued discussion regarding Planning Department fees

Mayor Ruane spoke to the following:

- Earlier legislation to reduce building fees by 25%
- Need to separate tasks
- 44.36% of cost associated with permits
- Differentiate between part-time or full-time employees
- Differentiate special projects
- Look at cost associated with tasks and/or projects
- Cost of individual permits
- Cost to operate Planning Department

Ms. Zimomra to the following:

- Staff was able to back out the amount spent on contractual labor and/or part-time employees being actual number
- Beginning October 01 each employee would track hours per task
- Permitting work should not be based on time it takes with each permit, but typically track as a group

Discussion ensued regarding the cost of permitted and non-permitted work, may not be able to control cost, what are Sanibel fees as opposed to other municipalities, study in 2005, elasticity involved with cost and business moving forward, may need a new comparative analysis, need united direction and Sanibel Plan function different for Sanibel as opposed to other municipalities.

Ms. Zimomra reiterated the items requested by City Council:

- Track hours as of October 01, 2013
- Comparative fee report
- Original 2003 report by Tindale Oliver
- Permitting tracked as a group
- Special projects would be tracked separately
- Excel spreadsheet with associated fees
- Spreadsheet could be used over with each new legislation

Mayor Ruane moved, seconded by Councilman Harrity, to direct staff to bring back 2003 Tindale Oliver study, comparative municipal fees, begin tracking permitting as a group and special projects individually and provide a separate excel spreadsheet with all fees.

Public Comment

None

The motion carried.

Continued discussion regarding City Council Goals

Discussion ensued regarding refining goals and the most difficult goal would be water quality, staff to come up with a board statement on each subject with 4 or 5 bullet points on first 2 goals, should review in 6 months, similar goals for financial stability, question of appropriate amount of reserves and ask staff to complete an analysis to substantiate the reserve policy, need a good procedure to collect Causeway toll funds, need for a debt reduction policy and could reserve to be used in case of a disaster.

Sustain the strength of the City's financial stability

- Develop and address long-term debt with a goal to retire debt
- Adequate reserves needed to sustain City
- Identify a policy to adequately track and better evaluate potential revenue that might come from Causeway toll funds

Water Quality/Water Quantity

- Evaluate water quality and quantity requirements
- Local and define local approach
- Regional
 - Work with SFWMD
- Global

Discussion ensued regarding local golf course management, regional to cover SW fl & water to other coast, regional goals release activates, area goal primarily lee county, approach local, and regional includes state and federal.

Local (Sanibel & Lee County)

5 bullets

Regional (Charlotte, Collier, Glades & Henry)

5 bullets

Global (State & Federal)
State Agriculture bills
WRDA

**COMMITTEES BOARDS COMMISSION
RESOLUTION 13-084 APPOINTING GENERAL EMPLOYEES PENSION BOARD
MEMBERS**

Ms. Zimomra read the title of Resolution 13-084.

Vice Mayor Congress noted that Dick Holmes had submitted his resignation. He further spoke to Dan Wexler as the newest member and thanked Mr. Holmes for his service.

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt Resolution 13-084 and appoint Dan Wexler to the General Employees' Pension Board.

Public Comment
None

The motion carried

CITY MANAGER

Informational Items

This item, i, has been withdrawn by staff

City Financial Reports

Third Quarter General Fund Financial Report

Third Quarter Sewer Fund Financial Report

Investment Report – Integrity Fixed Income Manager Quarter Ending June 30, 2013

Investment Performance Report – Burgess Chambers & Associates Quarter Ending June 30, 2013

Departmental Reports

Grease Trap Report

Planning Department Permit Activity Report

Planning Department Code Enforcement Activity Report

Building Department Monthly Revenue

Building Department Monthly Permitting Report

Administrative Departmental Reports

Status of Capital Projects

Ms. Zimomra noted the above item were for information only.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Mayor Ruane reminded the public of the 5:01 p.m. final budget meeting. He also spoke to a letter from Sanibel School that they would not be replacing the tot lot. He spoke to Vice Mayor Congress becoming the Council liaison to work with the Sanibel School regarding the aforementioned.

Council agreed.

PUBLIC COMMENT

Karen Storijohan spoke to a common thread of education for residents on City issues.

There being no further business the meeting adjourned at 12:09 p.m.

Respectfully submitted by.

Pamela Smith, MMC
City Clerk