

**SANIBEL CITY COUNCIL REGULAR MEETING  
TUESDAY, NOVEMBER 05, 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 and Councilman Harrity.  
Councilman Jennings absent due to spouses' surgery.

Mayor Ruane moved, seconded by Vice Mayor Congress, to excuse Councilman Jennings.

The motion carried.

**Presentation(s)**

**Employee of the Quarter**

Vice Mayor Congress announced that Josh Holler, Public Works Department was the Employee of the Quarter.

**Civic Core Presentation**

Mayor Ruane spoke to the City's role in the civic core.

Henry Woodroffe gave a brief PowerPoint presentation.

**Public Comment**

Tom Sharbaugh spoke to a different placement for the Sanibel Community House (SCA) building.

Karen Storijohan spoke to staging Kiwanis special events and who would foot the bill, time frame and order of events.

Ms. Zimomra noted that those types of events would be held in the green space, which would address safety concerns.

Mayor Ruane noted the City's role would be to come up with grants from different entities.

Edema (no last name given) spoke to the possible movement of the Herb Strauss Theater.

Ms. Zimomra noted that B.I.G. Arts was evaluating if the theater portion was usable.

Mike Gillespie spoke to funding.

Don Rice, B.I.G. Arts President spoke to the Boards agreement of their commitment to the process. He also spoke to contracting for an analysis of the use of the theater and possible movement of same.

Katie Reed, Island Senior President spoke to the growth of the Island Seniors.

John (no last name) asked if the parking areas would be shell.

Mr. Woodroffe noted that parking would be similar to the Recreation Center and Ms. Zimomra noted that parking would meet federal guidelines.

Patty Sousa asked if the stakeholder would make the decision or would there be a referendum.

Mayor Ruane noted that at least one referendum.

Max MacKenzie spoke to financing the project.

Claudia Burns spoke to her agreement with the proposed plan and what would happen to Dunlop Road and her concern that SCA was a historic site.

Ms. Zimomra noted that under next steps would include traffic engineers and storm water engineers after the concept was approved and Dunlop would be changed little.

Discussion ensued regarding plans not complete, window of opportunity to enhance the ability for needed improvements to take place uniformly, improve traffic flow, parking, create synergy, promote bikable and walkable community, consensus by stakeholders, issues of concern Herb Strauss theater, SCA a historical building, continue to refine plan, meet with stakeholders, next steps would include traffic and storm water engineering.

Council recessed at 10:15 a.m.

Council reconvened at 10:40 a.m.

### **Planning Commission Report**

Chairman Mike Valiquette gave the following report:

- Replacement of existing boat dock, 6407 Pine Avenue, which was approved
- Variances, conditional use and development permit for Periwinkle Way Shopping Center
  1. Relief on floor area ratio and relinquish space that was not being used
  2. Issues with outside developed area, worked out
  3. Issues with vegetation buffer
  4. Did not want to connect driveway with Ace Hardware as predetermined 20 years ago

Mr. Cuyler noted that there was agreement on some issues with a resolution coming back to the Planning Commission. He further stated that other issues had yet to be resolved.

5. Discussion regarding interconnectivity

### **Public Comments**

None

### **Council Comments**

Councilman Congress spoke to the East Periwinkle Way project looking very good.

### **First Reading and Public Hearing**

**ORDINANCE 13-010 AMENDING THE SANIBEL CODE OF ORDINANCES, AMENDING SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 82 ADMINISTRATION, ARTICLE III PLANNING COMMISSION, DIVISION 3., SPECIFIC AUTHORITY, SUBDIVISION VII. AMENDMENTS, SECTION 82-241 - AMENDMENTS TO LAND DEVELOPMENT CODE OR ZONING DISTRICT BOUNDARIES, BY DENOTING EXISTING CONTENT AS SUBSECTION (a) AND ADDING A NEW SUBSECTION (b) WITH SUB-SUBSECTIONS (1) PURPOSE; (2) PROCEDURES; AND (3) FINDINGS TO ESTABLISH A PROCESS FOR CONSIDERING NEW PERMITTED AND CONDITIONAL COMMERCIAL USES WHEN THEY ARE FOUND TO BE SIMILAR TO AN EXISTING PERMITTED OR CONDITIONAL COMMERCIAL USE THAT IS LISTED; AND AMENDING SEC. 90-**

**368. APPLICATION TO AMEND TEXT OF LAND DEVELOPMENT CODE; ALLOWING FOR INITIAL APPLICATION FEES TO BE WAIVED FOR AN AMENDMENT TO CHAPTER 126 ZONING, ARTICLE VIII COMMERCIAL DISTRICTS, DIVISION 2, LIST OF PERMITTED USES AND CONDITIONAL USES; AND AMENDING CHAPTER 126 ZONING, ARTICLE VIII COMMERCIAL DISTRICTS, DIVISION 2, GC GENERAL COMMERCIAL DISTRICT, SEC. 126-491.PERMITTED USE; ADDING ADDITIONAL USES TO THE LIST; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 13-010.

Mr. Cuyler explained that this specific type of amendment required two public hearings.

Roy Gibson, Acting Planning Director spoke to the following:

- Originated from a review of conditional and permitted uses in conjunction with commercial redevelopment review
- All permitted uses and conditional uses reviewed
- Some uses that could be reviewed similar to approved uses
- Three additional uses
- Home Inspection Watch Services
- Office Sharing – multiple uses in one space
- Professional studio teaching dance and fine arts
- Provides for a procedure that was not identified including a land development code amendment
- Additional change was the first proposed change by applicant would have no fee for a new use
- Subsequent filings would have an application fee

Discussion ensued regarding the process approved by the City Manager or designee, ask staff to provide a summary of amendments, flow chart of old versus new process, clearer on fee waiver, applicant would come to City Manager; forwarded to Planning staff and see if could be approved before placing a fee on a proposed amendment.

City Council set the second reading and public hearing for December 03, 2013 at 9:15 a.m.

**RESOLUTION 13-098 ELECTING TO CONDUCT A PUBLIC ADOPTION HEARING, PRIOR TO 5:00 PM, REGARDING A PROPOSED ORDINANCE THAT AMENDS THE SANIBEL LAND DEVELOPMENT CODE; SETTING THE TIME AND DATE FOR THE SECOND PUBLIC HEARING FOR THE PROPOSED SANIBEL LAND DEVELOPMENT CODE AMENDMENT; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 13-098.

Mr. Cuyler explained that the above legislation required to be heard before 5:00 p.m. unless Council adopted a resolution to hear before 5:00 p.m.

Mayor Ruane moved, seconded by Councilman Denham, to adopt Resolution 13-098.

Public Comment  
None

The motion carried with Councilman Jennings was excused.

Second Reading and Public Hearing LISTEN 1103

**ORDINANCE 13-011 PERTAINING TO CHAPTER 2 OF THE SANIBEL CODE ENTITLED "ADMINISTRATION"; AMENDING ARTICLE VI, FINANCE, DIVISION 4 "CONTRACTS AND PURCHASES", SECTION 2-330, COMPETITIVE SEALED BIDS; ADDING A NEW SUBSECTION "K" ENTITLED "LOCAL VENDOR PREFERENCE"; DELETING SUBSECTION L(3) RELATING TO BID DISPUTES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 13-011. She pointed out that the effective date was January 01, 2014, which would allow staff to prepare bidding procedures.

Mr. Cuyler explained the following:

- 5% preference for a Sanibel or Lee County business as defined
- Bid would be award to local bidder if within 5% of non-local bidder

Mayor Ruane moved, seconded by Councilman Denham, to adopt Ordinance 13-011.

Public Comment  
None

The motion carried with Councilman Jennings excused.

**CONSENT AGENDA**

Mayor Ruane asked that item (d) be pulled. A member of the audience asked that items (e) and (r) be pulled. Councilman Denham item (b).

Barry Roth noted that item (m) the Kiwanis grant was for after school and summer program.

- b. Acceptance of a grant from the Florida Department of Environmental Protection in the amount of \$600,000 for Sanibel Sewer System Expansion Sewer Phase IV (contract expected between September 2014 and January 2015 after funds approved by the Environmental protection Agency)  
Councilman Denham noted the match was \$750,000.

Ms. Zimomra noted this project was isolated project with a number of challenges and estimates would continue to be refined.

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

Public Comment  
None

The motion carried with Councilman Jennings excused.

- d. Designating Mayor Ruane as Southwest Florida League of Cities representative and Vice Mayor Congress as alternate to the Southwest Florida League of Cities

Mayor Ruane noted that Councilman Denham was the voting delegate and continues to leverage water quality initiatives.

Mayor Ruane moved, Councilman Harranty, to appoint Councilman Denham.

Public Comment  
None

The motion carried with Councilman Jennings excused.

- e. Approval of a Professional Services Agreement with Johnson Engineering, Inc., for NPDES-related work, in the amount of \$68,255 and authorize the City Manager to execute same (the funds are allocated in the adopted FY14 budget)

Councilman Denham noted that there was a federal requirement that the City comply with an annual report.

Keith Williams, Public Works Director stated there was a previous 5-year agreement to keep the City in compliance with storm water management.

Public Comment

Karen Storijohan asked why it was necessary to pay for this consultation.

Barbara Cooley spoke to Johnson Engineering more expensive and was the work put out to bid.

Ms. Zimomra noted that professional services was a competitive selection, but if there was another agreement that the City could piggyback off of and the staff chose to do so.

Director Evans spoke to the use of the data by the Natural Resources Department and 90% of the cost was water quality testing. He further spoke to the evaluation of what was and was not working.

Councilman Denham moved, seconded by Councilman Harrity, to approve item (e).

The motion carried with Councilman Jennings excused.

- r. Approval of a grant from Tourist Development Council (TDC) for Tarpon Bay Beach Restroom and authorize the City Manager to execute same (acceptance of this grant will increase the FY14 budget by \$530,000)

Ms. Storijohan spoke to the expense of the bathroom.

Ms. Zimomra noted that the bathroom needs to meet the new flood regulations and puts a facility closer to the beach and where people have a natural need.

Mayor Ruane moved, seconded by Councilman Denham, to approve item (r).

The motion carried with Councilman Jennings excused.

- v. Approval of change order with Haskins, Inc., for the Donax Water Reclamation Facility Headworks Bypass Project in the amount of \$34,236.91

Keith Williams spoke to the subservice condition of the underground facilities were different than shown on the asbuilt. He further noted that upon evacuation staff found items that required to be repaired.

Vice Mayor Congress moved, seconded by Councilman Denham, to approve item (v).

Public Comment

None

The motion carried with Councilman Jennings excused.

- c. **RESOLUTION 13-095 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-004 AND PROVIDING AN EFFECTIVE DATE** (To roll forward certain general

funding for the following (increases FY2014 budget by \$44,650): A. Grant writing services performed by In Rem Solutions (balance of contract signed in FY2013). To roll forward certain Transportation Fund repair and maintenance projects (increases FY2014 budget by \$262,691): B. 2013 Street Resurfacing Projects. C.

2013 Shared Use Path Repair Projects. D. Intersection and Crosswalk Study. To roll forward building funding for the following project (increases FY2014 budget by \$2,500): E. Technology purchases. To roll forward capital project funding for the following projects (increases FY2014 budget by \$14,209): F. Repaint City Hall. G. Large format digital scanner not purchased in FY 2013. To roll forward beach parking funding for the following (increases FY2014 by \$25,000): H. \$25,000 public reward for information on criminal activity that leads to arrest (not awarded in FY2013. The total budget amendment increases the FY2014 budget by \$349,050)

- f. **RESOLUTION 13-096 APPROVING THE REQUEST OF ADVENTURES IN PARADISE, INC., TO RENEW ITS BUSINESS TAX RECEIPT APPLICATION TO OPERATE HISTORICAL TROLLEY TOURS WITHIN THE CITY OF SANIBEL; AND PROVIDING AN EFFECTIVE DATE**
  
  - l. **RESOLUTION 13-097 CHANGING THE STATUS OF MEMBERSHIP OF COMMITTEE MEMBER, TERRY NAGLE, TO EMERITUS MEMBER OF THE SANIBEL VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**
  
  - m. Acceptance of a \$1,000 grant from Kiwanis as noted in the letter dated June 20, 2013 and **RESOLUTION 13-099 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-005 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$1,000 from the Sanibel-Captiva Kiwanis Club for after school program financial assistance. This amendment increases the FY2014 budget by \$1,000)
  
  - w. **RESOLUTION 13-100 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-047 AND PROVIDING AN EFFECTIVE DATE** (To adjust project expenses in line with percentage-of-completion at the end of FY2013. This amendment does not increase the FY2013 budget)
- Ms. Zimomra read the above titles.

Councilman Denham, seconded by Mayor Ruane, to adopt the above legislation.

The motion carried with Councilman Jennings excused.

- a. Approval of minutes – October 01, 2013 Regular Meeting
  
- g. Request from the Sanibel-Captiva Audubon Society to approve the Wildlife Conservation Lecture Series to be held 01/09/, 01/16, 01/23, 01/30, 02/06, 02/13, 02/20 and 02/27 at the Sanibel Community Association, 2183 Periwinkle Way
  
- h. Request by the Sanibel Community Church, 1740 Periwinkle Way for three additional Special Events permits for 2013 (the 6 permits authorized by code have been used for 2013) and an additional eight permits for 2014
  
- i. Request from Sanibel & Captiva Islands Chamber of Commerce that the City co-sponsor the Luminary to be held Friday, December 06, 2013 (this is a grandfathered special event)
  
- j. Request from Casa Ybel, 2255 West Gulf Drive for 20 additional Special Event Permits for 2014 (this has been requested and granted in the past)

- k. Request for temporary signage at the Recreation Center, 3880 Sanibel Captiva Road for New Year's Eve fundraising event, December 31, 2013
- n. Approval of a grant from Tourist Development Council (TDC) for Dune Walkover Repairs and authorize the City Manager to execute same (acceptance of this grant will increase the FY14 budget by \$20,000)
- o. Approval of a grant from Tourist Development Council (TDC) for Facility/Beach Maintenance and authorize the City Manager to execute same (acceptance of this grant will increase the FY14 budget by \$1,077,900)
- p. Approval of a grant from Tourist Development Council (TDC) for Public Beach Access Dune Protection and authorize the City Manager to execute same (acceptance of this grant will increase the FY14 budget by \$15,750)
- q. Approval of a grant from Tourist Development Council (TDC) for Beach Erosion Monitoring and authorize the City Manager to execute same (acceptance of this grant will increase the FY14 budget by \$40,000)
- s. Approval of a grant from Tourist Development Council (TDC) for Gulfside City Park Shade Structure and authorize the City Manager to execute same (acceptance of this grant will increase the FY14 budget by \$30,000)
- t. Approval of a grant from Tourist Development Council (TDC) for Lighthouse Beach Park Shade Structure and authorize the City Manager to execute same (acceptance of this grant will increase the FY14 budget by \$30,000)
- u. Request from The United Way of Lee, Hendry, Glades counties to locate temporary signage at the Bank of the Islands, 1699 Periwinkle Way  
Mayor Ruane moved, seconded by Councilman Denham, to approve the above.

Public Comment  
None

The motion carried with Councilman Jennings excused.

## **OLD BUSINESS**

### **Water Quality Issues**

#### **Federal.**

#### **Updated Federal/State Priorities and Short and Long-term Priorities**

James Evans, Natural Resources Director spoke to the following:

- Receiving 600 cfps
- 15.09 Lake Okeechobee level
- Inflow 500 cfps; 300 Caloosahatchee
- Beginning to see salinity increase

Staff would go to the water management district and the Army Corps of Engineers. Past weekend had a cold front come through and surveys were being done and see algae, but not what was seen in 2006.

**Report regarding the Congressional Briefing in Washington D.C. on the state of St. Lucie and Caloosahatchee Waterways October 03, 2013**

Mayor Ruane gave a brief overview.

**Correspondence from Congressman Murphy regarding the congressional briefing, October 03, 2013**

**Upcoming meeting with Congressman Diaz-Balart, 25<sup>th</sup> Congressional District, member of the House Appropriations Committee**

**Approval of the Water Resources Reform & Development (WRRDA) Act**

Mayor Ruane spoke to the correspondence above and the final report from the Senate Select Committee.

**State and South Florida Water Management District (SFWMD)**

**Correspondence from Mitch Hutchcraft, SFWMD Board member dated October 11, 2013 in follow-up to the October 01, 2013 Council meeting**

**Letter from Chris Dzadovsky, St Lucie County Commissioner**

**Letters dated August 20, 2013 to Brigadier General Donald E. Jackson and October 24, 2013 from Governor Scott regarding freshwater releases from Lake Okeechobee**

Ms. Zimomra noted that the above was informational.

**Continued discussion of draft legislation prohibiting discharge of passengers in City right-of-way by vehicles including buses (other than school buses); prohibiting the parking or stopping of any bus, van or other passenger vehicle with a seating capacity of 10 or more passengers in any City beach parking lot for the purpose of discharging or picking up passengers unless there exists a lawful and authorized parking space in such beach parking lot and the bus, van or other passenger vehicle with a seating capacity of 10 or more passengers is parked in such space and the applicable parking fee is paid**

Mr. Cuyler spoke to the following:

- Probation on bus ban or other vehicles stopping in the roadway or right of way for exiting passenger
- Exceptions to discharge for emergency situation, special events or governmental vehicle on official business
- City beach parking lots with the concern where vehicle discharge passengers only and access paid for by parking lot users
- 10 or more passengers discharged or exiting must park in an accommodating parking space

Discussion ensued regarding some Councilmembers agreeing with proposed legislation and how to advise transportation, disagree sue to

**Public Comment**

Karen Storijohan spoke to fine not prohibitive and should be increased in degrees.

Chief Tomlinson spoke to vehicles obstructing traffic would be done through state statute, parking aides would cite vehicles and \$85 is the current fine.

Wayne Ponader spoke in agreement of the proposed legislation.

Barbara Cooley spoke to the beach carrying capacity and agreement to the proposed legislation.

Mr. Cooley spoke to the proposed legislation concerned the parking lots and how they were paid for.

Claudia Burns spoke in agreement of the proposed legislation.

Larry Schopp spoke to his agreement.

Mayor Ruane moved, seconded by Councilman Denham, to move forward with the flexibility to change parts of the legislation.

The motion carried with Vice Mayor Congress voting in opposition and Councilman Jennings excused.

### **Approval of final 2014 Council goals**

Ms. Zimomra noted that the goals were for Council's consideration.

Vice Mayor Congress moved, seconded by Councilman Harrity to approve.

The motion carried with Councilman Jennings excused.

## **CITY MANAGER**

### **Informational Items**

#### **Continued discussion regarding Planning Department fees**

#### **Fee Schedule History**

#### **Municipal Fee Comparison**

Ms. Zimomra noted the following:

- Building Department fees were reduced by 50%
- Building Department fund could not be used to offset other budgets
- Planning Department was subsidized by general fund
- Code Enforcement branch could not be subsidized

Discussion ensued regarding making revisions to Planning fees and the if new fees were adopted, leave fees as there are, adopted legislation until December 31, 2013 that any adjustments would be retroactive, forward to another agenda for further discussion.

#### **Atlanta Plaza traffic calming staff recommendation**

Ms. Zimomra noted the following:

- Number of complaints from pedestrians, traffic and neighbors conflicts regarding traffic
- 35 mph adhered to by most drivers
- Some think 35 mph to high
- Staff recommend review traffic calming approach with a traffic engineer

Council consensus was to perform the traffic calming study.

#### **Public Comment**

Aaron Fields spoke to his concerns and agreement to a traffic calming recommendations.

#### **Veterans Day Celebration**

#### **City Hall Flagpole at 11:00 a.m.**

#### **Cape Coral Veterans Day Parade**

Council chose not to participate in the Cape Coral Veterans Day Parade.

#### **Timeline for appointing Planning Commission members for terms expiring January 14, 2014**

Ms. Zimomra noted that there were 3 Planning Commission members and all wanted to continue.

Discussion ensued regarding all 3 sitting members wanting to serve, had not advertised historically and would not advertise, but appoint sitting members.

## **Departmental Reports**

### **Planning Department Permit Activity Report**

### **Planning Department Code Enforcement Activity Report**

### **Grease Trap Report**

### **Status of Capital Improvement Projects**

### **Administration Report**

### **Causeway Counts for 2013 to date**

### **Sanibel Historical Museum and Village, Inc., financial report from July to September, 2013**

### **Community Housing Resources unaudited monthly Treasurer Report as of September 30, 2013**

For informational purposes.

## **CITY ATTORNEY'S REPORT**

None

## **COUNCIL MEMBERS' REPORT**

### **Flood Insurance**

### **Flood Map Discussion**

Ms. Zimomra spoke to the following:

- FEMA responsible for flood maps
- Sanibel a special flood hazard area
- Appeal process
- Visited with several engineering firms that offer services to review flood maps
- Review competitive process
- Work with staff engineers

### **Public Comment**

Dave Schdenfrie, Realtors President read an email for John Sebree, VP Public Policy regarding a delay in increased flood insurance rates. He spoke to being represented at the national realtor's conference.

### **Correspondence from John Sebree, Senior VP Public Policy, Florida Realtors, Friday, October 11, 2013 regarding the Mississippi lawsuit against federal government regarding flood insurance**

### **Press Release from Governor Scott's office dated October 10, 2013**

### **Letter from Mike Sittig, Florida League of Cities Executive Director regarding flood insurance**

### **Letter from Carol M. McCormack, Mayor, Town of Palm Shores**

Correspondence received by the City.

### **Report of the Tourism Development Council (TDC) meeting of Friday, October 11, 2013**

Mayor Ruane spoke to a brief meeting.

### **Report of the Metropolitan Planning Organization (MPO) meeting of October 18, 2013**

Mayor Ruane spoke to a joint meeting.

### **Report of Lee County Board of Commissioner's Management and Planning meeting of November 04, 2013**

Mayor Ruane attended the above regarding evaluation of merging with Sun Pass and no interest. He further spoke to the upcoming study. He also noted that water quality was another agenda item.

### **Report and participation of the Southwest Florida Chamber Water Quality Panel October 30, 2013**

Vice Mayor Congress spoke to being a panelist at the above function.

### **Causeway Bridges Inspection Report**

**Structure A**

**Structure B**

**Structure C**

#### **Summary**

Vice Mayor Congress spoke to the information and the next inspection would be February, 2014.

### **Lee County Regional Planning Council Financial Report**

<http://www.youtube.com/user/SWFRPC>

Vice Mayor Congress spoke to the annual report completed by video and the link was above.

Councilman Denham spoke to working with Burt Jenks for improvements with a single building, but needs to increase room size of each unit. He noted that he would like for staff to work on this proposal and Mr. Jenks would like to bring a proposed plan to City Council.

Discussion ensued regarding staff vetting the issues at a development meeting, and then come to Council.

Councilman Denham asked if Mayor Ruane wanted to continue attending the Chamber Government Affairs meeting and Mayor Ruane answered yes.

Discussion ensued regarding General Employees Pension and Police Pension meetings

Councilman Denham spoke to his vote against planning fees, but would prefer fees reduced as a whole.

Mayor Ruane spoke to a call from John Naumann, his bankruptcy hearing and a call from the Community Bank and would like permission to have the City Attorney to review options for the tennis courts at Sun Dial.

Councilman Harrity recused himself if the topic goes further.

Mr. Cuyler advised if Council were voting Councilman Harrity would need to recuse himself.

### **PUBLIC COMMENT**

None

There being no further business the meeting was adjourned at 12:53 p.m.

Respectfully submitted by,

Pamela Smith, MMC  
Sanibel City Clerk