

SANIBEL CITY COUNCIL REGULAR MEETING
May 07, 2013

Mayor Ruane called the meeting to order at 9:03 a.m.

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

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

Planning Commission Report
Commissioner Chuck Ketteman gave the following report:

- Discussion regarding the proposed distressed property ordinance
- Consideration of bonus outdoor seating to a restaurant on Palm Ridge

Discussion ensued regarding proposed distressed property ordinance, direct Planning Commission going during their discussion, cannot ignore overgrown lots and return on investment for redevelopment.

Public Comments

Barbara Cooley spoke to live audio streaming.

Council recessed due to public speaking lights not working at 9:15 a.m.

Council reconvenes at 9:20 a.m.

Lisa Gramm, Property Manager for RRL Port Sanibel Marina spoke to Council's letter to Lee County regarding eco tours and jet skis from Port Sanibel Marina.

Doug. Miner, General Manager for Port Sanibel Marina spoke to their proposal before Lee County Commissioners.

Council Comments

Councilman Denham spoke to the end of the Legislative Session last Friday. He further spoke to language within different bills regarding environmental issues.

Discussion ensued regarding that there was not suppose to be a fertilizer bill this year and the bill appeared at the end of another bill.

Mayor Ruane spoke to the proposed distressed property ordinance and comment relative to jet skis. He further stated that the five Mayors have asked the Commissioner advise anything that might affect the municipalities and would set a precedence. He also agreed with the speaker that a variance might have been a better venue and not aware of Punta Rassa jet skis. He also spoke to staff gathering information for live audio streaming.

SECOND READING AND PUBLIC HEARING
ORDINANCE 12-010 EXTENSIVELY AMENDING AND RESTATING THE SANIBEL
PLAN TO UPDATE AND TO CLARIFY THE PLAN, TO IMPLEMENT THE
RECOMMENDATIONS OF THE 2012 EVALUATION AND APPRAISAL REPORT

OF THE SANIBEL PLAN, TO ADDRESS CONSISTENCY WITH CHANGES IN STATE STATUTES AND ADMINISTRATIVE CODE AND TO ADDRESS CHANGES IN LOCAL CONDITIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 12-010.

Director Jordan spoke to the following:

- Second public hearing and continued from March 6th meeting
- Explained the attachments
 - Exhibit A – plan text
 - Pages numbered
 - Exhibit B – official maps
 - Environmental Sensitive Land Use Plan Conservation District maps
 - Commercial District Maps, which include Town Center Limited, Town Center General and General Commercial District
- No lands added, but lost 1.5 acres of a previously zoned commercial at Sanibel Bayous
- Staff report
- Supplemental staff report and recommendation to remove 2 acres of residential land from the wetlands conservation district
- City Attorney’s memorandum regarding above change
- State comments received in February and have 180 days to address
 - City did not have a reference in the Sanibel Plan regarding state statute requirement that the island was in a coastal hazard area included map addressing above
 - Introduced the City’s regulatory commercial district map and remove 1.2 acre parcel lost in the Sanibel Bayou project and included description of districts and purposes
 - Public School Facility section – referenced 2013 public school facility work plan in Sections 3.3
 - Section 3.5.1 Capital Improvement addressed
 - Needed to address proportionment share of roadways where new development was required to expand roads; explained Sanibel had reached build out and plan supports reducing traffic
 - Addressed adding and/or widening roads in the Sanibel Plan
 - Added 2012 Lower West Coast Water Supply Plan prepared by the South Florida Water Management District as of adoption in Section 3.3.2
- Staff completed second review of the Resort Housing District Map and Wetland Conservation District Map because under a previous submittal three street names were missed and now added; Airport Way; Starfish Lane in Section 25.36, Township 46 South row 22 East of Resort Housing District Map and Wetlands Conservation District Map, Section 25, Township 46 South Rows 22 East for Community Housing District (CHR) Airport Way, Seabell Road, Section 18, Township 46 South, Row 22 East of the Resort Housing District

Discussion ensued regarding not new street names, but accidentally deleted and Director Jordan answered yes.

Vice Mayor Congress moved, seconded by Councilman Harrity, to adopt Ordinance 12-010.

Discussion ensued regarding addressing the letter from Mr. Cuyler and it addressed Mr. Maxwell’s concerns, Mayor sent letter April 16 and 19th and met with Mr. Maxwell on Saturday and would like to delay the vote by thirty days.

Public Comment
None

The motion carried

CONSENT AGENDA

Mayor Ruane asked that item (a) be pulled. Vice Mayor Congress asked that items (i) and (l). Mr. Cuyler asked the item (e) be pulled.

a. Approval of minutes – April 16, 2013 Regular Meeting

Ms. Zimomra recommended that staff correct the minutes and bring back at the June 04, 2013 City Council meeting for approval.

Mayor Ruane moved, seconded by Vice Mayor Congress, to carry over the April 16, 2013 minutes for adoption at the June 04, 2013 City Council meeting.

Public Comment

None

The motion carried.

i. **RESOLUTION 13-029 APPROVING BUDGET AMENDMENT/TRANSFER NO.**

2013-027 AND PROVIDING AN EFFECTIVE DATE (To roll-forward actual FY2012 ending fund balance (pursuant to audited financial statements) to FY13 beginning fund balance for all funds. These amounts, which are more or (less) than the FY13 budget are being appropriated to FY13 ending fund balance to provide increases or (decreases) in fund balances available to be carried forward to FY14. This amendment increases the FY13 budget by \$4,988,724 although no new or additional funds are appropriated by this amendment. The changes in fund balance are 1) General Fund, increase by \$1,070,424; 2) special revenue funds, increase by \$963,954; 3) debt service funds, increase by \$49,949; 4) capital project funds, increase by \$692,202; 5) sewer system, increase by \$1,616,501 and 6) beach parking fund, increase by \$495,694)

Ms. Zimomra read the title of Resolution 13-029. She stated this budget amendment was the roll-forward.

Vice Mayor Congress spoke to the roll-forward of FY12 ending fund balance. He noted he was meeting with staff to receive a more specific understanding. He further spoke to changing the format and the need of a better understanding of line items.

Discussion ensued regarding the need for more information, a better narrative to transfers and fine tune estimates, Ms. Zimomra noted that the \$5 million was not an additional amount of money, but roll-forward capital project and enterprise budgets and the need for staff to budget what was needed and general fund had only a \$1 million difference and want to come out below budget, as not to overspend.

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt Resolution 12-029.

Public Comment

None

The motion carried.

- l. Approve purchase of one $\frac{3}{4}$ ton regular cab 4 wheel drive and one $\frac{1}{2}$ ton 4 wheel drive extended cab pickup truck (Funding for $\frac{3}{4}$ ton truck provided through Streets Division Capital Projects this does not impact the Division budget and Funding for $\frac{1}{2}$ ton truck provided through Tourism Development Council grant and this purchase was budgeted in the FY 12/13 TDC grant and does not impact the Beach Parks budget)

Vice Mayor Congress asked about the low bid acceptance and the difference in the bids being \$12.00.

Director Williams spoke to the deciding factor being vehicles would be delivered and the warranty repairs were recognized locally.

Ms. Zimomra noted that the City did not have a local preference. She further noted that if Council wanted a local preference the legislation would need to be changed.

Discussion ensued regarding investing monies within Lee County and could have direct and indirect benefits, understand the process, should consideration be given regarding a percentage or dollar amount, preference of **and benefit** for Council would be greater in Lee County, which would far exceed the \$12 difference and Mr. Cuyler noted he would review, Ms. Zimomra noted that staff requested this item be pulled until June 04, 2013, Mr. Cuyler noted that if there were changes the changes would be for future considerations, but Council had the right to reject all bids, Council trying to understand the options for future purchases and Council could make a compelling argument to benefit Sanibel and Lee County.

Vice Mayor Congress moved, seconded by Councilman Denham, to approve item 1.

Public Comment
None

The motion carried.

Council directed the City Attorney to review any changes needed with options and opportunity to keep funds within Lee County.

- e. Authorization for conditional award of Sanibel Lighthouse rehabilitation project to Razorback LLC, the low bidder, in the amount of \$269,563.00 and authorize City Manager to execute contract; should conditions placed on Razorback LLC not be fulfilled exactly as set forth below, authorization that Razorback LLC be rejected and the bid of Sanibel Lighthouse rehabilitation project be deemed awarded to Spectrum Contracting, Inc, the second low bidder, in the amount of \$287,887.00 and authorize City Manager to execute contract **AND RESOLUTION 13-041 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-030 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$50,000 from the Florida Division of Historical Resources for Sanibel lighthouse restoration. Grant #S1222 is attached. This amendment increases the FY13 budget by \$50,000)

Mr. Cuyler explained the following:

- Low bidder needed to complete license
- Razorback had completed licensing
- Recommendation to approve

Ms. Zimomra read the title of Resolution 13-041.

Vice Mayor Congress moved, seconded by Councilman Harrity, to adopt Resolution 13-041.

Public Comment
None

The motion carried.

- b. **RESOLUTION 13-036 APPROVING AN AGREEMENT FOR BOND COUNSEL SERVICES WITH THE LAW FIRM OF BRYANT MILLER OLIVE P.A.; AND PROVIDING AN EFFECTIVE DATE**

- f. **RESOLUTION 13-037 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-029 AND PROVIDING AN EFFECTIVE DATE** (To budget \$19,377 from the general fund ending fund balance for two summer interns to work in administration. This amendment does not increase or decrease the FY13 budget)
- k. **RESOLUTION 13-040 ACCEPTING A UTILITY EASEMENT FROM ISLAND WATER ASSOCIATION, INC. FOR THE INSTALLATION AND MAINTENANCE OF A REUSE LINE TO A CITY LIFTSTATION, AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**
- p. **RESOLUTION 13-042 ADOPTING A COST ALLOCATION PLAN, (ALSO KNOWN AS AN INDIRECT COST PLAN) FOR THE FISCAL YEAR 2012-13; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATE OF COST ALLOCATION PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF OMB CIRCULAR A-87 AND FULL COST PLAN; AUTHORIZING THE DISTRIBUTION OF THE CENTRAL SERVICE OVERHEAD COSTS TO QUALIFYING GRANTS AND ENTERPRISE FUNDS; ESTABLISHING THAT REGULAR UPDATES TO THE COST ALLOCATION PLAN BE MADE; AND ESTABLISHING AN EFFECTIVE DATE AND RESOLUTION 13-043 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-033 AND PROVIDING AN EFFECTIVE DATE** (Based on the FY12 indirect cost study, adjust expense in the following funds: 1) Building Department Fund increase expense by \$14,687; 2) Ballfield Maintenance Fund increase expense by \$19,159; 3) Sewer Fund decrease expense by \$40,538; 4) Beach Parking Fund increase enforcement expense by \$691 and decrease maintenance expense by \$40,538)
- r. **RESOLUTION 13-045 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-032 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$82,595 from the recreation center ending fund balance to complete the following projects 1) \$2,400 for installation of horns with Thorguard Lightning Protection System and updating of signage; 2) \$800 for removal of “tot lot” playground at the ball fields; 3) \$8,000 to increase the height of fencing for security purposes between the ball field and skate park/playground areas; 4) \$56,195 for facility projects; 5) \$15,200 for RecTrac software upgrade. This amendment does not increase or decrease the FY13 budget)
- s. **RESOLUTION 13-038 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-034 AND PROVIDING AN EFFECTIVE DATE** (To budget \$105,665 from the general fund balance to cover additional expenditures in the Finance Department due to the payout of approximately \$52,164 in leave payout, contracted employee for 5 months at a cost of \$18,435 to cover employee on medical leave, \$1,500 in additional overtime, additional part-time salary \$6,644 to cover new hire job training, net salary adjustment of \$3,903 to cover employee overlap between retiring employees and new hires, \$15,304 increase in payroll taxes and benefits and \$7,715 increase in operating expenditures to cover additional toll programs, operating supplies, training and travel for new hires)
- t. **RESOLUTION 13-044 APPROVING AN AGREEMENT AND LEASE BETWEEN SANIBEL-CAPTIVA ISLANDS CHAMBER OF COMMERCE, INC., AND CITY OF SANIBEL; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of the above Resolutions.

Councilman Denham moved, seconded by Councilman Harrity, to adopt the above-mentioned resolutions.

Public Comment
None

The motion carried.

- c. Request approval to apply for a Bulletproof Vest Partnership grant that would cover 50% of the purchase price of 15 Kevlar vests and 2 outer carrier vests in the amount of \$7,128 and the City's portion would be \$3,663.90 (This grant will increase the budget)
- d. Approval of a Memorandum of Understanding for Traffic Incident Management between the City of Sanibel and Florida Department of Transportation and authorize the Mayor to execute same
- g. Approval to provide a post-tax Roth IRA to City employees as a voluntary benefit as an addition to the pre-tax Deferred Compensation [457] Plan voluntary benefit (There is no cost to the City to add this voluntary benefit)
- h. Request from Lee Coast Chapter, Military Officers Association request waiver of fees for the Veteran's Day Ceremony November 11, 2013 in front of the City Hall flagpole (waiver would include \$50 Special Event fee and has been granted in the past)
- j. Approval of a Memorandum of Agreement with the Lee County Sexual Assault Response Team (SART) and authorize the Chief of Police to execute same
- m. Approve 3 year contract with Sanders Laboratories, Inc for wastewater laboratory testing and authorize City Manager to execute contract (this does not impact the FY13 utility budget)
- n. Approve to purchase two (2) completely operational Biological Odor Control Systems from Siemens Industry, Inc., in the amount of \$69,995, as the lowest responsive bidder (this project was included in the adopted FY13 budget and does not increase/decrease the FY13 budget)
- o. Approve a second amendment to the agreement between the City of Sanibel and Mahnaz Bassiri in a not to exceed amount of \$22,925 to provide fitness classes at the Center4Life and authorize the Mayor to execute same
- q. Approval of an Administrative Services Agreement with the International City Management Association Retirement Corporation for a period of three years which reduces the administrative fees for employees participating in the Deferred Compensation Plan (457) and/or the Defined Contribution Plan (401a) from 55 basis points to 40 basis points annually and authorize the City Manager to execute same (There is no cost to the City of Sanibel in approving this agreement)

Mayor Ruane moved, seconded by Vice Mayor Congress, to approve the above-mentioned items.

Public Comment
None

The motion carried.

Council recessed at 10:15 a.m.

Council reconvened at 10:28 a.m.

OLD BUSINESS

Water Quality

Update relative to the citizen fertilizer educational program

Councilman Denham spoke to the following:

- Attended the Charlotte County Board meeting and approved \$1,000 with an additional amount of \$4,000 subject to discussion at their next meeting
- Water Management District approved \$2,000
- Lee County Natural Resources Department putting together information
- Spoke to Commissioners Kiker and Pendergrass
- Hoping for \$75,000 from Lee County
- Possibly need \$120,000 to \$150,000 for project
- Naples not contributing

Discussion ensued regarding Mayor Ruane meeting with Commissioner Manning and was supportive.

Consultant Report regarding Causeway Tolls

Sanibel Causeway Report

Exhibit A & B – Settlement and Interlocal Agreement

Exhibit C - Causeway Report Exhibit B updated

Exhibit D - Sanibel Hardesty Hanover Contract

Exhibit E - Sanibel URS Contract Bridges B and C

Exhibit F - Sanibel URS Toll Plaza Contract

Exhibit G - Inspection Report 11-15-07

Exhibit H - Sanibel 124114 Inspection Report 11-30-09

Exhibit I - Inspection Report 11-17-11

Exhibit J - Sanibel Bridge #124116 Inspection Report 11-30-09

Exhibit K - Sanibel Bridge #124114 Unspection Report 11-17-11

Exhibit L - 124115 Inspection Report 11-16-11

Exhibit M - Sanibel Bridge #124116 Inspection Report 11-18-11

Exhibit N - Sanibel Causeway Beam Cracking Report 06-29-12

Exhibit O - Sanibel Bridge Inspection Statement 03-08-13

Exhibit P – Sanibel Bridge Beam Inspections Bridge #124114 Structure C

Exhibit Q – Sanibel Bridge Beam Inspections Bridge #124115 Structure B

Exhibit R – Sanibel Beam Inspections Bridge #124116 Structure

Exhibit S – Lee County 2012 Annual Report – Full Report

Mayor Ruane spoke to the following:

- Email from Lee County regarding bridge cracks
- Multiple parts of Interlocal agreement
- Good time to go through an accounting of expenditures
- Next steps to discuss at the June 04, 2013 City Council meeting
- Spoke with each Commissioner
- Help Lee County to understand what Sanibel was doing and why requesting information

Vice Mayor Congress introduced Mr. Roy Hyman and spoke to the following:

- Reviewed numbers over the last 7 years of interfund transfers

- Need to receive bi-annual reports from Lee County
- Past discussion with County staff
- 2005 Sanibel received 17% of toll revenue
- After construction funds went to pay-off junior lien
- Expect to see approximately \$980,000 revenue beginning 2014
- Understanding future account of toll revenue
-

Discussion ensued regarding keeping communication open with Lee County, 4 separate entities involved, County embraced audit, continue to work on this subject, was executive summary shared with Lee County, Vice Mayor Congress answered no, everyone at County aware of funds coming to Sanibel, email to City Manager from Director Loveland and that revenue should resume next year, surface difference of operating causeway and revenue, were always in excess of budget, Council may want to review 2012 annual report, junior lien, maintenance report, tolls revenue coming to Sanibel, make sure funds not used for other sources, \$6.2 million remaining on junior lien, second part of 2014 should see funds coming to Sanibel, cracks not life threatening, revenues from Sanibel brings in as much as the two bridges in Cape Coral, Interlocal reads that there was an accounting every 6 months and afterward funds would come to City, once junior lien paid report was to review the expenses and cost of running Sanibel bridges with adequate bond coverage, confirmed that funds were not expended outside of junior lien, approximately \$6 million at the end of FY12 left on the junior lien and should see funds coming back to Sanibel in 2014, nothing in reports of urgency regarding cracks, current projected year was costly and could escalate over time to make sure cracks were stabilized, Sanibel revenue consistently higher than other Lee County bridges, should receive projected funds of \$527,000 next year, Lee County report was to make certain there was adequate bond coverage for all bridges, projected revenue of \$100,000,060, annual report on Leeway's website, independent report and Clerk of Courts completes an independent audit, would like to know the condition of the cape coral parkway bridge, how often were state inspections completed, all bridges have stress cracks, stabilization of cracks means they were getting worse, Mr. Hyman noted that cracks were normal, but needed to monitor every 6 months rather than every 2 years as noted in the settlement agreement and maybe a way to patch cracks and bridges graded to be in good or very good shape.

Public Comment

Gloria Hannan asked if the inspector used how much of work come from County. Does Coast Guard perform inspections? She also spoke to roadway from Shell Point and turning off at Jonathan Harbor roadway was gone.

Paul LaBonte spoke to the need to ask how the cracking was mitigated.

Karen Storijohan asked if either inspection team were the ones that inspected the older bridges and could the charts and tables be displayed.

Discussion ensued regarding Coast Guard involved because of the sea lanes.

Approval of Council's 2013/2014 liaison list

Discussion ensued regarding working with legislators.

Councilman Denham moved, seconded by Mayor Ruane to approve the liaison list and add liaison for legislature regarding water quality.

Public Comment

None

The motion carried.

Discussion of draft legislation prohibiting discharge of passengers in City right-of-way by vehicles including buses

Mr. Cuyler spoke to the following:

- Draft legislation
- Deals with vehicles stopping in the right-of-way
- Safety issues and fit in within existing code provisions
- Does not apply to school buses, vehicles breaking down or emergency vehicles
- Excludes Special Event application approval
- Consensus of staff was to monitoring vehicles stopping in beach parking lots

Discussion ensued regarding where large vehicles could park to off-load passenger and beach-carrying capacity.

Public Comment

Wayne Ponader spoke to buses parking in the right-of-way.

Gloria Hannan spoke to the reason people live on Sanibel was due to the peacefulness.

**COMMITTEES BOARDS COMMISSION
RESOLUTION 13-039 APPOINTING MEMBERS TO THE CITY OF SANIBEL
AUDIT COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 13-039.

Mayor Ruane moved, seconded by Councilman Denham, to adopt Resolution 13-039 and appoint Tom Uhler, Tom Armstrong, Chuck Ketteman, Jim Isom and Sylvia Edwards and Mayor Ruane as Council liaison.

Public Comment

None

The motion carried.

**Discussion regarding Recreation Financial Assistance Program and establishing a separate fund to invest monies
Annual Summary Inflows/Outflows
Market Yields as of April 09, 2013**

Vice Mayor Congress spoke to the following:

- \$160,000 balance
- Would like to put funds in a restricted investment account
- Award \$25,000 in scholarships
- Restrict \$100,000 and invest to earn income by restricting
- Restrict \$50,000 for 5-year time span

Discussion ensued regarding revenue coming from New Year's event, Burgess Chambers handles City excess cash, Council past legislation to award better scholarships, Vice Mayor Congress to work with Burgess Chambers, Ms. Zimomra spoke to the need to include the Finance Director and how all funds of this nature would be handled and a need to amend investment policy.

Mayor Ruane moved, seconded by Councilman Denham, to allow Vice Mayor Congress and the Finance Director to work with Burgess Chambers.

Public Comment

None

The motion carried.

NEW BUSINESS

Request from Captiva Erosion Control District (CEPD) to work 24/7 relative to the beach renourishment project on Sanibel and Captiva Islands

Letter dated April 17, 2013

Hours of Operation – Sanibel Noise Ordinance

Email dated April 26, 2013 from Tony Lapi

Use of parking lots for staging

Ms. Zimomra spoke to the following:

- Required by a settlement agreement of sand being put on Sanibel
- Mobilize August 01, 2013
- Work through 24/7 work
- Noise associated with work
- In past parking lot used – request to use Turner Beach parking lot as a staging area
- Worked with CEPD in past to keep one of the two parking lots open for citizen use

Discussion ensued regarding speaking with Captiva Erosion Control District (CEPD).

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

Public Comment

None

The motion carried

Request to waive fees

Letter dated April 17, 2013 from MG Whitaker, Managing Partner of Fresh Taqueria

Director Jordan spoke to the following:

- Two requests to waive fees
- Sanibel Deli request was to possibility expand building to next suite
- Would need a conditional use permit approval costing at least \$3,105 for 1279 square feet
- Variance permit for additional parking costing \$2,000
- Development Permit to implement conditional use permit costing \$2,025
- Taqueria request to waive fees
- Off-site parking two lots from business
- Erected sign directing patrons to parking lot
- Application for second sign
- Code allowed one sign per business
- Variance permit for two business signs; 1) on site; and 2) 1 off site would cost \$2,000
- Directional sign on primary business to direct to parking lot
- Additional \$60 for sign permit

Discussion ensued regarding issue of signs, the copy of the sign for Taqueria, size and orientation was an issue, any light associated would need to be in compliance, need to separate the two requests, discussing waiving fees, total amount for Taqueria fees under \$2,100, need variance for second sign, a problem with charging \$2,000 for additional sign, allow second sign and waive fees, must go through the application process, waiving fees from second sign and apply for a variance, unique situation of restaurant and parking, up to Planning Commission to grant variance, there be some fee, would second sign stay with parking lot, Mr. Cuyler answered that variance would stay with land, waiving any costs for second sign, Mr. Cuyler noted there was always staff costs to process any application, Mr. Cuyler noted the fees that were charged were associated with staff review, Ms. Zimomra

noted the cost was for a variance and all staff costs and the fees charged as suppose to be a determination of the costs for that application, should the second sign be less expensive, variance was a category and fee associated, variance fees were lowered, trying to improve the commercial district, not setting a precedent, waiving fees had unintended consequences, consideration of reducing fees and variance fees stay with the property.

Councilman Denham moved, seconded by Councilman Harrity, to waive fees by half due to the uniqueness of the property.

Public Comment
None

The motion carried with Mayor Ruane and Councilman Jennings voting in opposition.

Letter dated April 23, 2013 from Jeff Wiegel, Sanibel Deli

Mayor Ruane explained the fees were \$8,400.

Director Jordan spoke to the following:

- Parking cost \$2,000, which was beyond Mr. Wiegel's control
- Conditional use requirement to expand would be \$3,105 plus \$1,279
- The current restaurant was in place before current regulations and expansion triggers the conditional use permit
- Development permits was required \$2,025 – base on square footage
- Variance \$2,000 – parking on site not sufficient

Discussion ensued regarding Rosie's had to apply for a conditional use permit in the amount of \$2,000 and permitting fees reduced by 25% last year.

Reduced permitting cost for variance and development permits last year.

Public Comment
Jeff Wiegel explained the following:

- Five current empty business fronts
- Space next door was available and wanted to provide a positive contribution to community
- Fees excessive and prohibitive to expand a business
- What costs was legitimate to Planning Department

Discussion ensued regarding waiving fees had unintended consequences, understand desire to help business owners, consider modification of fees, first fee \$4,300 and functioning as a business, and business over 800 square feet, total \$8,400, waive \$1,279, parking fee; any new business serving food would have incur an additional \$2,000 because the seating would be increased, conditional use permit was due to the expansion, Mr. Weigel would like to have outdoor seating, to waive fees there must be an exception, Director Jordan answered that the owner sees the fees as difference, the reason Council should consider because the plaza was, concern of costs of fees, Rosie's \$2025, conditional use was \$4300 and charge \$1279 for additional space, waive \$3,300, business pre-existed the City, in an ideal world would love to see that the plaza, allow the expansion, address macro issue, and might be an influence for the owner to sell plaza.

Jeff Wiegel spoke a second time that the plaza was a dying plaza and trying to prevent another empty store front.

Vice Mayor Congress moved, seconded by Councilman Harrity, to lower fees to \$3,000 because of the uniqueness of this situation.

Discussion ensued regarding the fee should be higher.

Public Comment
None

The motion carried with Councilman Denham voting against.

Council recessed at 12:49 p.m.

Council reconvened at 1:32 p.m.

CITY MANAGER

Informational Items

Redevelopment Update

Center4Life Needs Assessment Presentation by Henry Woodroffe

Ms. Zimomra noted that Mr. Woodroffe constructed the award winning City Hall and Recreation Center design.

Mr. Woodroffe gave a brief PowerPoint Presentation.

Mr. Zimomra spoke to Mr. Woodroffe reviewing St. Isabele's and Community Church due to the fluctuation in their parking needs and grassy areas for overflow parking that was marked and delineated with bollards. She further spoke to the linkage in green space and parking needs as a way to accomplish overflow parking during peak season and necessary usage.

Discussion ensued regarding next steps, May 21, 2013 workshop, what could be done with 20% less space, Ms. Zimomra noted that the model used for the recreation center, talk about unity and collaboration to consolidate all issues, each entity needs, connectivity needs, reduce traffic and congestion, Ms. Zimomra noted that a survey was completed for the construction of the recreation center, would like to have consensus to continue to work with Henry Woodroffe, allow Henry to review the needs assessments completed by non-profits.

Mayor Ruane moved, seconded by Councilman Harrity, to allow Mr. Henry Woodroffe to review all non-profit needs assessments.

Public Comment
None

The motion carried.

Verizon Telecommunications Tower Update

Ms. Zimomra noted that Verizon Telecommunications Tower design was not complete and Council extended the time frame for the development until June 30, 2013.

Discussion ensued regarding project manager may have resolved the design issue and were constructing a model, should give an extension, need to be more involved with Wi-Fi in the future and focus on challenges to make modifications if necessary, Director Jordan asked that Council give the Planning Department the ability to contact them and essential that staff come back to Council

Departmental Reports

Grease Trap Report

Planning Department Permit Activity Report March, 2013

Planning Department Code Enforcement Activity Report March, 2013

Administrative Departmental Reports

Status of Capital Projects

Island Night May 15, 2013 and Council participation

Discussion ensued regarding building permits issued and revenues, graph provided to Council showing revenues and recommend a graph showing revenues versus revenues from last year, building revenues decreased about 10% and fees were reduced by 25%, Ms. Zimomra spoke to showing size of homes coming down and a number of moving parts that affect property values and understand the need to show comparative years, but need to show money and number of permits, Council had asked permits and revenue compared to budgeted amounts because in years the budget changes the budget could be off, Council would be reevaluating fees, when would the report be completed for the crosswalk areas of concern, Ms. Zimomra noted there were three crosswalk areas designated by Council to review, as well as a policy, would the report be ready for the June meeting and the report would not come before Council unless it was ready.

Recreation Department Revenue & Membership Report

Discussion ensued regarding after school revenue down, Ms. Zimomra noted that revenue was down by 1.5% due to classroom limitation, more financial assistance being applied for and the high retention rate, Council approved earlier the upgrade in the RecTrac software and once completed automatic renewals would be possible.

Consultant Financial Reports

City of Sanibel Treasury Investment Performance Report for Quarter Ending March 31, 2013 by Burgess Chambers and Associates

City of Sanibel Investment Report for Quarter Ending March 31, 2013 by Integrity Fixed Income Management, LLC

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Attendance at the April 17 and 18, 2013 Tourism Development Council Meetings

Mayor Ruane advised that the above meeting was the Beach and Shoreline meeting and Sanibel requested and received \$1.7 million grant. He further noted that the second meeting was the regular meeting and the baseball report was given. He further spoke to the House adopting the TDC seat and Cape Coral would no longer have a permanent seat, but will go to the highest municipality that generates the largest amount of bed tax.

Attendance at the April 19, 2013 Metropolitan Planning Organization (MPO) Meeting

Mayor Ruane spoke to Billy Hathway, Director of the State Department of Transportation and reviewing the needed maintenance, revenues and what would be left over for projects, at one time the projects came in at \$5 billion and now with MPO reviewing the aforementioned the group was trying to reduce the number of projects, but maintenance must be taken care of first.

He spoke to meeting with Mr. Maxwell the Saturday before this meeting and would like Council's permission for the City Attorney, Mayor, Mr. Maxwell and his attorney to address his concerns.

Council agreed by consensus.

Vice Mayor Congress asked for clarification regarding the Causeway and cumbersome having two people under sunshine working on the same subject.

Discussion ensued regarding Vice mayor working on Causeway financials and Mayor Ruane would work on address and communicate with Lee County Commissioners.

PUBLIC COMMENT

Ralph Clark spoke to his delight Council had taken regarding redevelopment and her and Judy Baum available for a discussion.

Steve Maxwell spoke to his appreciation that Council agreed to a meeting.

There being no further business that meeting was adjourned at 2:31 a.m.

Respectfully submitted by,

Pamela Smith, MMC
City Clerk

**CITY COUNCIL WORKSHOP
REDEVELOPMENT WORKSHOP
TUESDAY, MAY 21, 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.

Discussion relative to potential Land Development Code (LDC) amendments

Permitted Uses

Nonconformities (Uses & Structures)

On-site Parking Requirements (Dimension & Number)

Interconnectivity Between Properties

Setbacks

Mayor Ruane introduced Director Jim Jordan. Director Jordan presented a PowerPoint presentation.

Director Jordan explained that Council's previous direction was to review five potential code provisions that may warrant change to facilitate redevelopment efforts and options for each as follows:

- Permitted Uses
 - Retain current list of permitted uses
 - Retain current list of permitted uses and replace prohibitive uses, which would restrict any use not permitted today to allow for language that existed prior to the Land Development Code and the Sanibel Plan (If a use was similar in intensity of use permitted that Planning Commission could approve such use)
 - Expand current list of permitted uses
 - Expand list of permitted uses and replace prohibitive language, which would currently restrict uses not include in the Land Development Code to language similar prior to 1985
- Nonconformity and Structures and Uses
 - Retain regulations of non-conforming uses and structures (provisions made to allow buildback of non-conforming structures, but if a structure was non-conforming the use cannot be expanded beyond the three-dimensional building footprint)
 - Change code structure would be allowed as long as it did not amount to a substantial improvement
 - Change code to allow certain improvements that do not further the non-conformity and would grandfather in the non-conforming structures
 - Consider redefining the commercial district boundaries to include non-conforming commercial uses on a case-by-case basis
 - Identified seven properties outside the commercial district
- Outside Parking Requirements
 - Compared Sanibel parking requirements with other municipalities
 - Retain current parking standards
 - Reduce required diminishes to 8.5 by 18 feet (Would increase parking for certain commercial uses and require 24 square foot of additional material landscaping and could reduce parking land coverage by 27%)
 - Reduce the number of off street parking spaces for office uses with more than 1,000 square feet of floor area
 - Some merit for reviewing parking requirements for physician offices (Currently general offices have a requirement of 5 spaces per 1,000 square feet; physician offices driven by the number of medical practitioners)
- Interconnectivity Between Commercial Properties
 - Retain interconnectivity requirement – applied to new development and redevelopment with a conditional use permit

- Investigate opportunities to install a new shared use path
- Obtained additional right-of-way from the Bailey property and with Bennett's Fresh Roast right-of-way on the north side
- Research what other communities had completed
- Contact existing properties for a pilot program to review any shortcomings
- Continue to limited bike crossing only for new development or redevelopment properties
- Allow bike connectivity between existing properties not only commercial, but residential
- Setbacks
 - Maintain retain regulations
 - Research further options
 - Investigate potential code revision for businesses developed prior to the Sanibel Plan

Ms. Zimomra advised audience that this is a workshop only and that Council would not be voting, because this workshop was for discussion only.

Discussion ensued regarding streamlining the Planning Commission agenda by adding a Consent Agenda to speed up the process of permitted uses, agreed this was a good idea, would there be consequences to streamlining, application process, what was Director Jordan's experience in the past relative to applications and the Planning Commission process, not in favor of some issues of streamlining, what was the process of amending the code and application fees, application fees, no provision to include non-conforming structures, un-intended consequences should be evaluated, fee structure should be revisited, businesses on Sanibel should be given options to redevelop, create an environment to use commercial space available, Planning Department and Planning Commission to bring a list of uses back to City Council, cannot be any binding decisions today, might bifurcate and move what can be moved, expressed concerns with amending the process of applications and fees, safeguarding and streamlining and used outdoor dining as example, consequences and safeguarding uses, non-conforming structures, parking analysis and obtaining more data from Planning, inter-connectivity of properties, setbacks and grandfathering of existing businesses.

Director Jordan explained option 4 as follows:

- Uses evolved and add limited prohibitive language similar in nature and intensity to the Planning Commission
- Must have a threshold of permitted use

Discussion ensued regarding the safeguard of the intended use of a business comes before Council and then sent to the Planning Commission, streamline process, expand list and make comprehensive or a hybrid of the expanded list with the ability to come before Council as a safeguard, if a suggested use not on list, then would come toward Council, not penalize a new business, use the consent agenda to forward to the Planning Commission, avoid cost that prohibits some businesses, un-intended consequences was an affect that causes bi-products, Council agrees that number 4 is of interest with understanding of hybrid language that would allow similar intensity, business and utilization to come before Council, if approved then go to the Planning Commission, number 2 was more complex, and the simple process was the grandfather approach, spirit of what a business had today that use would be grandfathered as of today, Director Jordan noted that a non-conforming use was a use that was not allowed within a certain district, he further noted that these non-conforming businesses could not change the current use to a more intensive use and had to maintain what there was today, staff thinks that non-conforming use did not need to be address, Royal Shell was an example within a residential area, no expansion, but if already there honor the non-conforming use, non-conforming also affected set-back, floor area, height, flood elevation, parking, drainage, etc., non-conforming structure would be allowed to re-develop in their existing footprint without increasing the square footage even though they might encroach on the 100 foot set-back or exceed the floor area ratio or not have sufficient parking and would comply with land development standards in all other aspects and granted a waiver on all other deficiencies not possible to correct given lot dimensions, do not want non-conforming status to worsen, but improve, an example was Huxter's by allowing them to maintain what they currently had, but under the discussion Huxter's would be allowed to re-develop, Director Jordan noted that if a building was non-conforming in coverage and clearance they could swap a one square foot to one square foot, move position of building, was it time to rezone the 7 non-conforming buildings, parking should be reviewed for compact vehicles and the difference today from yesterday, look at other communities and understand that certain businesses may need more than the allowed parking spaces, medical professionals need five more spaces and penalizing those standards and the ability to review with more data, staff to perform an analysis and may add a certain amount and come back to Council on June 6th, interconnectivity between properties and trying to embrace a cultural center and take away from a property by having a bridge to connect property a and b, do not encourage businesses to have a interconnectivity, the current

standards penalize because if a business wants to have a bridge for interconnectivity to the next business that bridge goes against coverage and coverage is reduced, Ms. Zimomra noted that a few businesses do have bridges and staff had not taken action because of the increased use of bicyclist and pedestrians, find a way to interconnect more than adjacent businesses, challenges maybe right-of-way acquisitions, envision more shared use paths, maybe be two options for interconnectivity and ask staff to review, set-backs standards work with embracing grandfathering, retain current regulations on set-back, willing to review individual needs and situations, any new businesses comply with current set-backs, but existing set-back would be grandfathered, variance process was necessary, but existing businesses would not need to go through a variance, Director Jordan suggested retaining current set-backs, but give acknowledgment to existing businesses and not certain that parking would be ready for the June 6th Council meeting.

PUBLIC COMMENT

Karen Storijschan spoke to interconnectivity and parking and future planning issues.

Larry Schopp spoke to the small town character of the island.

Claudia Burns spoke to business regulations and process and fees for small businesses and setting up a committee to review

Council recessed at 10:24 a.m.

Council reconvened at 11:02 a.m.

Staff presentation of Results of Land Survey of the Civic Core Area

Ms. Zimomra explained the purpose of the land survey analysis by staff to do the following:

- Perform an analysis of Public Works property to discover the actual amount of land that could be used should Council decide to use other than a public works facility
- How much was environmental sensitive land
- Natural Resources staff walked the property and flagged and hired a surveying company to survey
- Hired an architectural firm performing the Center4Life needs assessment and hire Woodroffe Architectural firm and what was the feasibility of use
- No analysis of drainage or traffic engineering completed
- Very cursory review with options and possibilities

Mr. Henry Woodroffe gave a brief PowerPoint presentation as follows:

- Reviewed all lands near core development area including B.I.G. Arts, SCA, Library, etc.
- Natural wetlands
- Public Works facility takes up four acres
- Man made drainage wetland
- Undeveloped acres
- Protected tortoise areas
- Farmers Market use area
- 15.1 acres for potential development
- 11 acres of wetlands
- 1.28 acres of City development
- 3.91 acres could be used
- Additional wetlands
- Full analysis of usable space
- Potential of 15.5 acres
- Re-route road to add land
- All non-profits involved submitted their needs assessments
- All agencies looking for additional growth

Ms. Zimomra stated that the Library, Historical Museum and Village and Farmers Market were not looking for additional space.

Mr. Woodroffe continued:

- Reviewed possible facility area, needed parking and drainage
- B.I.G. Arts proposal was for approximately 56,000 square feet, but with sidewalks and landscaping would end up with about two acres, but to get to the parking total the need increased to six acres
- Center4Life facility would need about one acre, but to include parking the need increases to four or five acres
- Need for sharing facilities and large spaces could be shared
- Relocate Public Works for core area and need four or five acres for the facility, storage and fleet maintenance
- Potential 30 acres for development and maintain the most traffic
- If broken into parcels to isolate different entities, but reviewing synergy for possibilities
- Develop green spaces with shared parking and drainage

Ms. Zimomra spoke to the beginning steps were the same used for the Parks Master Plan, but with a broad vision and needs study, as well as an understanding the realities of parking and drainage needs, the excitement of the future and the presentation, Council commended Mr. Woodroffe for his presentation and his previous dealings with the City, suggested Council continue their affiliation with Mr. Woodroffe, Ms. Zimomra spoke to identifying funds, piggy-back on an existing agreement, go out for bids and noted that discussion would continue on the June 04, 2013 Council agenda.

Public Comment

Ralph Clark spoke in favor of the Civic Core.

Karen Storijohan spoke about where Public Works would move to and Library needs and historical buildings.

Claudia Burns spoke in favor of the civic core plan.

Richard Johnson spoke on behalf of SCA Board. Support the planning effort.

Mayor Ruane noted that all stakeholders would be involved.

There being no further business the meeting was adjourned at 11:43 a.m.

Respectfully submitted by,

Pamela Smith, MMC
City Clerk

**SANIBEL CITY COUNCIL REGULAR MEETING
JUNE 04, 2013**

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

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

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

Planning Commission Report

Commissioner Dr. Phillip Marks gave the following report of Planning Commission meetings of May 14 and 28, 2013:

- May 14th
 - Issued a conditional use permit for a boat dock and lift Bonus seating and install a small satellite kitchen
 - Non-conforming building on Causeway Boulevard and continue to be rehabilitated – before City was incorporated the building should have been a single-family dwelling and ordinance must be repealed for home
- May 28th
 - Sundial Resort for 32-seat bonus out door seating; when previously owned the seating was instituted without permitting
 - Install a satellite kitchen because the kitchen was upstairs in a room now used as a game room
 - Construct a revetment and loss approximately 18 feet of beach where a revetment was on either side of home and requires no state permitting
 - Seek relief from City buildback to construct a single-family home where a duplex existed before Hurricane Charley then destroyed

Mr. Cuyler noted that the Causeway issue was on Council’s agenda for first reading.

Public Comments

None

Council Comments

Mayor Ruane spoke to the preliminary evaluation from the property appraiser with a 5.4% decrease. He further spoke to further evaluations to come, Council goals was a trend analysis, an upward trend with shore front property and inland slower. He spoke to his exit interview with the auditor and would have further comments.

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

City Council scheduled the second reading and public hearing for July 16, 2013 at 9:15 a.m.

ORDINANCE NO. 13-002 REPEALING AND REPLACING SPECIFIC AMENDMENT ORDINANCE NO. 82-26 BY ALLOWING THE EXISTING NONCONFORMING COMMERCIAL USE OF A PROPERTY, LOCATED AT 1177 CAUSEWAY BOULEVARD, TO CONTINUE AS AN OFFICE SUBJECT TO THE

NONCONFORMANCE AND BUILD-BACK PROVISIONS OF THE LAND DEVELOPMENT CODE; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

City Council scheduled the second reading and public hearing for July 16, 2013 at 9:20 a.m.

CONSENT AGENDA

Councilman Denham asked the item d, j, and p be pulled. Councilman Jennings asked the item (g) be pulled.

d. RESOLUTION 13-046 APPROVING THE INVESTMENT POLICY STATEMENT ADOPTED BY THE BOARD OF TRUSTEES OF THE CITY OF SANIBEL GENERAL EMPLOYEES' RETIREMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

Discussion ensued regarding a change in the investment policy for the General Employees Pension Board, Ms. Zimomra explained the difference in agenda ,arterial for the General Employees Pension Board and Sanibel Police Officers Pension Trust, most changes to the policy was wordsmithing with further changes being the allocation of investments, which was more conservative.

Ms. Zimomra read the title of Resolution 13-046.

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt Resolution 13-046.

Public Comment

None

The motion carried.

g. Award 2013 Street Resurfacing contract to Community Asphalt Corp. in the amount of \$674,979 and Approve the same contract authorizing the City Manager to execute (This project is in the adopted FY12/13 budget)

Mr. Jennings spoke to trenches and potholes on Sandcastle Road. Mr. Willimas, Public Works Director spoke regarding the conditions of Sandcastle Road and the need to allow the road to settle after Island Water Association (IWA) work. He further stated that due to the increased amount of pedestrian traffic staff would be reviewing this location for a crosswalk, Ms. Zimomra noted that the pedestrian issue was being reviewed and staff would contact IWA for a partnership in reviewing the road as it currently stands, Ms. Zimomra clarified that she did not want the newspaper to misrepresent the work completed by IWA and there should be a temporary patch and she spoke to homeowners associational meeting asking for a pedestrian crossing.

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

Public Comment

None

The motion carried.

j. RESOLUTION 13-051 GRANTING A WAIVER OF THE VARIANCE FEE FOR APPLICANTS CARY AND PATTI GIESE FOR A VARIANCE APPLICATION RELATING TO EXISTING SEAWALL AND DOCK WORK AT THEIR RESIDENTIAL PARCEL LOCATED AT 1198 HARBOUR COTTAGE COURT, SANIBEL; AND PROVIDING AN EFFECTIVE DATE.

Ms. Zimomra read the title of Resolution 13-051. She noted that the residents advised they were out of state. She also noted that Council had discussed the fee and the Planning Commission hears the merit of the application.

Discussion ensued regarding being against the waiver.

Mr. Gibson spoke to the following:

- Variance fee was \$2,000 for one variance of the code
- There was no application for a subject variance request
- This request was for Council to consider a reduction of fees
- Relief from set back standard of 15 feet and want to reconfigure a dock that did not conform to the current standard

Discussion ensued regarding that there was no justification to give relief, documents indicated that property evaluation was increased, any permit was to improve property, Ms. Zimomra noted that the reconfiguration was because of safety to their grandchildren, Ms. Zimomra noted that staff was making no recommendation, Mr. Gibson noted that the current configuration had a minimum width and the potential applicant would like to enlarge and minimize the safety to their grandchildren and enlarge dock would be within the City's setback, and Ms. Zimomra noted there was a small triangle that would be left if not improved if not increased.

Mayor Ruane moved, seconded by Councilman Jennings, to adopt Resolution 13-051.

Discussion ensued regarding resolution not speaking to safety, but waiver of fees, do not agree with waiver of fees, no problem with the variance, but could reduce the fee to \$1,000 for the sake of consistency, not consistent with the decision last month, and may want to set a cut-off and grant relief retroactively.

The motion failed with Councilman Harrity, Councilman Denham and Vice Mayor Congress voting in opposition.

Discussion ensued regarding grandfathering, if there was a grandfather clause the City would credit difference paid and the adopted change. whatever amount deciding upon the fee was paid to the future decision, Mr. Cuyler advised a motion could be made to revive, if there was a grandfather clause then the \$2,000 would be paid and the remainder would be refunded to the applicant, fair to all people, pay fee and apply for variance and if Council reduces fees a credit would be given, no application and fee paid, if the applicant wants to pursue there was a course of action and would be discussed at the July 16, 2013 agenda, Mr. Cuyler noted that Council's discussion would be formalized until the next meeting, advised the person could apply and would be advised of Council's action.

p. RESOLUTION 13-049 GRANTING A PARTIAL WAIVER OF THE CONDITIONAL USE APPLICATION FEE AND VARIANCE FEE FOR SANIBEL DELI AND COFFEE FACTORY, LLC LOCATED AT 2330 PALM RIDGE ROAD; AND PROVIDING AN EFFECTIVE DATE

Councilman Denham spoke to disapproving of a waiver of reduction in the above types of fees.

Ms. Zimomra read the title of Resolution 13-049.

Mayor Ruane moved, seconded by Vice Mayor Congress to adopt Resolution 13-049.

Public Comment
None

The motion carried

q. RESOLUTION 13-050 GRANTING A PARTIAL WAIVER OF THE VARIANCE FEE FOR TWO DREAMERS, INC. D/B/A FRESH TAQUERIA LOCATED AT 2411 PERIWINKLE WAY; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 13-050.

Public Comment

Ms. Whitaker spoke to the following:

- Signs defining the parking lot
- Cheeburger and Cheeburger had a sign
- Sign was knocked down, now being requested to pay for a historical sign
- Public safety issue where people stopping on the shared use path at night to come in and ask where they can park and backing out into the road– City created problem by removing parking spaces in front
- Fee undue hardship
- Only business the parking was not adjacent to the property

Ms. Zimomra would hear the merits of the issue and Council decides the issue of reducing fees.

Discussion ensued regarding address a complete waiver versus a partial waiver, was there a separate sign, Mr. Gibson noted the property was redeveloped and the plan, when approved, restricted the signage when redeveloped, even though the extra sign was located at the property.

Public Comment

Judy Minchie spoke to her agreement with the additional sign and asked the fees be eliminated.

Discussion ensued regarding continued to waive fees completely,

Vice Mayor Congress moved, seconded by Mayor Ruane, to amend the resolution to grant a complete waiver and adopt Resolution 13-050.

Discussion ensued regarding rationale to waiver completely due to a preexisting situation in the past, condition upon redevelopment to remove additional signs, Council problem, unique property, would this set a precedent, Mr. Cuyler noted this was an odd piece of property and would not set a precedence, but everyone would have a story, would this bring into play any business to request a second sign, this was a variance situation, anyone could request a variance for an additional sign and application would come before the Planning Commission

Mike Valiquette spoke to this was only for the fees, but not a variance.

Tom Krekel asked about grandfathering fees.

Ms. Zimomra noted the discussion was what would the subsequent process, as well as the Planning Department reviewing uses.

The motion carried with Councilman Denham voting in opposition.

- b. Award East Periwinkle Path and Roadway Improvement Project to C.W. Roberts Contracting Inc. in the amount of \$689,678.00 and authorize the City Manager to execute same (shared use path along Periwinkle Way between Causeway/Lindgren Blvd and Lighthouse Beach Park) **AND RESOLUTION 13-052 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-035 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$150,000 from the transportation fund to the Periwinkle Way road and bike path fund to augment funds previously budgeted for the widening of the East Periwinkle shared use path. This amendment does not increase or decrease the Fy13 budget)

- f. Approval of an agreement between the City and IN REM to provide grant services for one year in the amount of \$60,000 and authorize the City Manager to execute same **RESOLUTION 13-047 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-031 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$60,000 In Rem – grant writing)

i. **RESOLUTION 13 -048 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE** (Police Department 2004 Ford F-150)

Ms. Zimomra read the titles and Mr. Cuyler noted these resolutions also had approvals and would include

Mayor Ruane moved, seconded by Councilman Harrity, to adopt the above resolutions.

Public Comment

None

The motion carried.

- a. Approval of minutes – Revised April 16, 2013 Regular Meeting
- c. Approve an amendment to the agreement between the City of Sanibel and Kristine Brown in an amount not to exceed \$13,526.50 to provide fitness classes at the Recreation Center and Center 4 Life and authorize the Mayor to execute same
- e. Approval of the first of two one-year extensions (November 01, 2013 to April 30, 2014) for the agreement with Local Roots, LLC to continue to operate the Farmers Market at the rear of City Hall, 800 Dunlop Road
- h. Approval of a request for a special event to hold the March 04, 08, 11, 15, 18, 22 and 25, 2014 Music Festival Special Event to take place at the Sanibel Congregational Church, 2050 Periwinkle Way (this event is a grandfathered event)
- k. Approval of a grant from Tourist Development Council (TDC) for the Lighthouse Beach restroom completion (amending a prior agreement dated November 30, 2010 to provide additional funding for this project) for a project in the total amount of \$602,807 and authorizing the Mayor to execute same
- l. Approval of a grant from Tourism Development Council (TDC) for Beach Erosion Monitoring in the amount of \$80,000 and authorize the Mayor to execute same
- m. Award beach park restrooms roof replacements contract to Winfield Contracting, Inc. in the amount of \$56,660 **And** Approve same contract with Winfield Contracting, Inc., and authorize City Manager to same (Tourist Development Council funding is available for the project in the FY13 budget)
- n. Award beach dune walkover replacement project to Bayshore Construction, Inc., in the amount of \$60,913 **And** approve contract with Bayshore Construction, Inc., and authorize City Manager to execute same (Tourist Development Council (TDC) funding in the amount of \$71,000 is available for the project)
- o. Award 2013 Sanibel River clearing project to Canoe Adventures, Inc., in the amount of \$65,000 **And** Approve a contract with Canoe Adventures, Inc., and authorize City Manager to execute same (The FY-13 Public Works Streets budget (Fund 101) includes \$100,000 for this project)
- r. Request from the Friends of Don to co-sponsor the Independence Day parade and waive the Special Events application fee (This is a grandfathered event)

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

Public Comment

Steve Maxwell asked if items were being adopted through item (r). He stated this was an ongoing project of item o.

Ms. Zimomra noted that this project was completed a third at one time with a bidding process

Mr. Williams, Public Works Director spoke to:

- Section 6 Tarpon Bay to Island Inn
- Section 7 Island Inn to Rabbit Road
- Section 8 Rabbit Road to Gulf Pines
- Gulf Pines to Rue Bell Mer
- The above the portion for clearing this year

Discussion ended regarding a bidding process.

The motion carried

Council recessed at 10:32 a.m.

Council reconvened at 10:45 a.m.

OLD BUSINESS

Water Quality

Update relative to the citizen fertilizer educational program

Councilman Denham spoke to moving forward and concern about the funding.

Redevelopment Next Steps

Memorandum from Director Jim Jordan regarding Land Development Code Amendments

Ms. Zimomra noted Council having a workshop on May 21, 2013 the packet included a summary and recommendations to refer to the Planning Commission. She noted that staff's position was to bring back the grandfathering, setbacks and non-conforming structure July 16th. She further noted that there was consensus of culture core and preliminary analysis and the next step was a master plan, sample contract from the City of Tampa and at Council's direction solicited a general proposal and direction.

Mr. Roy Gibson, Acting Planning Director spoke to the following:

- Permitted Uses – Require a code amendments

Discussion ensued regarding to make permitted uses, Planning Commission should evaluate for a consent agenda, handing off to the Planning Commission, staff support and bring back on the consent agenda, council approve, then go back to the Planning Commission, Mr. Gibson review and consideration of new permitted uses and language to be added to the code and any new uses would be added to the code thru a consent agenda item. Council, planning department, pc, draft ordinance, then to City Council for adoption, over 100 permitted uses, any current existing business that do not fall within the code, Mr. Gibson stated a number of uses to use determination or interpretation, not been updated, how to defined and moving forward same type of business, how would the determination be done, Mr. Gibson type of business in a new category, artist gallery and studio, one include, one is not, need a clarification of permitted use, video arcade and what constitutes same, review currently permitted, intensity and compatibility. Planning Commission review and present finds to City Council, not change since 1985, try to capture intended businesses, more streamline, allow pc to do the heavy vetting, why would staff bring it to cc first, looking at section 86-43 with lengthy discussion, find a different way to be more efficient, current way, Council, order to pc, pc discussion, then to cc, pc should have enough direction from cc, cc establish guideline and forward to Planning Commission, had prior legislation that cc and pc was on same page, pc did not follow, give clear direction to Planning Commission then to City Council, ability for a consent agenda

item on the Planning Commission agenda, flip direction, concerned about unintended consequences, need to come back to City Council for approval.

Public Comment

Tom Krekel spoke Planning Department staff to City Council then to Planning Commission.

Discussion continued about permitted uses for businesses and maybe add a dance studio, similar business fine, develop language and approve on a consent agenda, if not pulled returned to City Council, Ms. Zimomra noted the list maybe updated, talking about the process if a uses was not included and what would be the subsequent process.

Mr. Gibson noted the next item for discussion was the following:

Nonconforming uses

City Council consensus to retain current regulations and non-conforming uses and structures to the current code, which does restrict both not to be further, intensified. Mr. Gibson explained that both are allowed to be maintained, but not further intensified.

Council clarified the word to be used was “grandfathered.” Council also wanted to know what they would be getting from Director Jordan.

Ms. Zimomra noted there was a more formal outline including direction from workshop and capsulating direction going forward, last package was excellent and request a similar package, entire packet for workshop and spell out what “grandfather” means.

Off site parking standards

Mr. Gibson noted that Council direction was to look at revisions of the parking standards, not only the design, but the number required for certain types of uses. He noted that staff could generate proposed amendment going to the Planning Commission, then to City Council.

Public Comment

Karen Storijsohan concerned that there were only small cars on island, and she was worried that parking spaces would be reduced in size.

Interconnectivity between properties

Mr. Gibson noted that Council consensus was develop specific standards for to accommodate and encourage interconnectivity and similar to parking standards staff would not penalize square footage if vehicular accommodation was made.

Discussion ensued regarding not to penalize square footage and coverage where a reduction could be made with vehicles pulling in and out of the roadway, such as Tahitian Gardens and Ace Hardware.

Set Back s

Mr. Gibson noted that Council consensus was for a retention of the current set back standards, however when non-conforming commercial properties could not conform to set backs then there would be some relief granted. He further notes that staff and the Planning Commission could examine existing conditions of commercial properties and explore opportunities.

Discussion ensued regarding grandfathering in non-conforming structures and bringing back a definition of “grandfathering.”

**Discussion and Direction for staff regarding the Master Plan for the Civic Core
Proposal from Henry Woodroffe for Master Plan services Existing Woodroffe City of
Tampa agreement for consultant services
Request for staff authorization to negotiate an agreement with Woodroffe Corporation
Architects for master plan services in substantially the form of the above agreement
(Tampa Agreement) and authorize the City Manager to execute same**

Discussion ensued regarding a contract would be piggy backed on a City of Tampa contract and go forward., area of concern task 3 and process to engage everyone involved, Ms. Zimomra noted if City Council authorizes she would have a tentative phone call later today, working on a surety type style and potential efficiencies and where to find efficiencies with neighboring properties, working with staff so to understand the hours, Mr. Cuyler noted the contract would give Mr. Woodroffe the ability to go forward and your approval would authorize a contract, ms. Zimomra noted it would not be the intent to have Mr. Woodroffe to do design for non-profits, but a master plan and solve potential problems within each category, defining square footage, meeting when all are together, Ms. Zimomra notes those identified, would it be advisable that City Council to have a strategic planning session, Ms. Zimomra noted that would be in October, should City Council have another meeting, and updates would come through City Manager report on accomplishments.

Mayor Ruane moved, seconded by Councilman Denham, to authorize staff to piggy back onto the City of Tampa contract for a master plan of the civic core to negotiate an agreement and authorize City Manager to execute same.

Public Comment

Richard Johnson, SCA Board met and recognize their continued support with City Council efforts, and suggested as the planning process is completed SCA would like to be a part of the planning process.

Ralph Clark, B.I.G. Arts spoke to an opportunity to have stakeholders input.

David Bath spoke to no wording on wildlife movement on the island.

Ms. Zimomra noted that this was a point on the land survey and Natural Resources walked every inch and recommended the ridges dedicated wetlands and part of the wildlife corridor.

Discussion ensued regarding to move forward and City Council's consent to move forward for funding from Tourism Development Council, Metropolitan Planning Organization and discussion with Senator Benacquisto, meeting scheduled with Senator Richter and have discussions, continue to institute green technology and Ms. Zimomra noted that was always taken into consideration, Wi-Fi connectivity would be important and other telecommunication tower location and bring back additional telecommunication sites and today's technology does not require a 100 foot tower.

Council agreed by consensus.

Continued Discussion regarding Causeway Tolls Report

Next Steps

Memorandum from Mayor Kevin Ruane

Memorandum from Vice Mayor Doug Congress

Causeway Report

Sanibel Causeway Report (Executive Summary)

Exhibit A & B – Settlement and Interlocal Agreement

Exhibit C - Causeway Report Exhibit B updated

Exhibit D - Sanibel Hardesty Hanover Contract

Exhibit E - Sanibel URS Contract Bridges B and C

Exhibit F - Sanibel URS Toll Plaza Contract

Exhibit G - Inspection Report 11-15-07

Exhibit H - Sanibel 124114 Inspection Report 11-30-09

Exhibit I - Inspection Report 11-17-11

Exhibit J - Sanibel Bridge #124116 Inspection Report 11-30-09

Exhibit K - Sanibel Bridge #124114 Inspection Report 11-17-11

Exhibit L - 124115 Inspection Report 11-16-11

Exhibit M - Sanibel Bridge #124116 Inspection Report 11-18-11

Exhibit N - Sanibel Causeway Beam Cracking Report 06-29-12

Exhibit O - Sanibel Bridge Inspection Statement 03-08-13
Exhibit P – Sanibel Bridge Beam Inspections Bridge #124114 Structure C
Exhibit Q – Sanibel Bridge Beam Inspections Bridge #124115 Structure B
Exhibit R – Sanibel Beam Inspections Bridge #124116 Structure
Exhibit S – Lee County 2012 Annual Report – Full Report

Mayor Ruane spoke to the following:

- 820 pages report
- Look at cost of building Causeway
- Finances vehicles
- Various expenditures
- Second process would be to look at Interlocal and structural and financial element to review on a bi-annual basis
- County forming a sub-committee and would have a seat
- Requirement for an audit was good for Council

Discussion ensued regarding separating the two subjects as noted above.

Request from Lee County D.O.T. for a representative to serve on the Traffic and Revenue Analysis Toll Study

Discussion ensued regarding look at cost of building causeway, financing vehicles, process to separate Interlocal agreement, structural and financial element to review on a bi-annual basis, county form a sub-committee, understand issues of structure and financing, separate the two items 1) requirement of audit and any additional information needed; 2) reporting and financial point of view, county extended a member to be appointed to causeway and may be thoughts to further have additional information, need one voice when dealing with commissioners, need to have one message, Mayor needed to continue his work with county board, to review everything to make sure Sanibel is a partner with Lee County, revenue analyzed, but need to look at expenditures; coming on island at Mariners Point and cost and overtures with further discussion, only have revenue, expenditures, need to drill down, what was the process, make need to outsource review of intricacies, congress continue to drill down on expenditures for junior liens, agreed, present to look at Interlocal, settlement agreement on bi-annual basis, Mayor Ruane spokesperson and Vice Mayor Congress to work with staff.

Karen Storijohann spoke to a slide shown by Paul Wingard on bridge footprint, which changed and a cost overrun for that reason. She also mentioned the reconstruction of the toll area.

Vice Mayor Congress work with Lee County staff as the City's financial person and Mayor Ruane would be the City's spokesperson.

Mayor Ruane moved, seconded by Councilman Harrity, to appoint Vice Mayor Congress to the Lee County Traffic Revenue and Analysis Toll Study committee.

Public Comment
None

The motion carried.

Continued discussion relative to the Verizon Telecommunications Tower at Donax Wastewater Treatment Plant, 630 Donax Street

Mr. Cuyler noted the application was submitted and is under review and there was enough time to correct any application deficiencies.

NEW BUSINESS

Sanibel Municipal Police Officers Pension Trust

Discussion regarding investment return and turnover assumptions

Mayor Ruane spoke to the following:

- Continued to manage assumptions; salary, investment return and turnover
- Investment returns lowered to 7.5% and lower than Florida Retirement System
- Overall average would exceed 7%
- Turnover lower and a need to adjust turnover; could identify to alternative; 1) additional employee payroll contribution; and 2) fund difference right away and address GASBY funding ration
- Beginning 2015 unfunded pension liabilities on City's balance sheet
- City pay \$1,375,000 to Police pension

Discussion ensued regarding recommendation of lower the assumption to 7.5%, address turnover and proactive in addressing unfunded liability.

General Employees' Pension

Discussion regarding assumptions

Vice Mayor Congress spoke to the following:

- 2012 increase unfunded liability to \$1.1 million
- Broke down assumption and return on investments was reviewed
- Reviewed turnover and gain and loss which was \$295,000 in 2012

Discussion ensued regarding Doug Lozen needing to perform the dollar impact

CITY MANAGER

Informational Items

Financial Reports

General Fund Financial Report for period ending March 31, 2013

Sewer Financial Report for period ending March 31, 2013

Building and Planning Departments Historical Revenue Overview

Building Department Revenue

Vice Mayor Congress noted that the analysis was completed by fiscal year. He asked that staff review because in April, 2012 building fees were reduced by 25% and he review revenues one year before and after the decrease was implemented. He further stated he wanted to understand to 5% increase he found.

Ms. Zimomra noted that part-time inspector moved out of area and increase inspections. She further spoke to the Building Official intensely recruiting.

Planning Department Permits and Revenue Overview

Summary of Cost to Operate Planning and Building Departments and Sources of Fees

Departmental Reports

May Grease Trap Report

Planning Department Permit Activity Report

Planning Department Code Enforcement Activity Report

Building Department Monthly Revenue Report, April, 2013

Building Department Monthly Permit Report, April, 2013

Status of Capital Projects

Letter dated May 22, 2013 in support of the Matthews-Bailey Shell Museum applying for a grant

Ms. Zimomra introduced Kurt Miller, student at Wabash University and Travis Garmager, a student at Florida Gulf Coast University as summer interns.

COUNCIL MEMBERS' REPORT

Attendance at the May 17, 2013 Metropolitan Planning Organization (MPO) meeting

Mayor Ruane spoke to:

- Maintenance costs
- Projects funded

**Attendance at the May 10, 2013 Tourism Development Council (TDC) meeting
Tourism Development Strategic Plan**

Mayor Ruane working on plan and looking for comments and suggestions.

**Letter dated May 28, 2013 to Commissioner Kiker relative Tourism Development
Council seats**

Mayor Ruane spoke tot letter due to commissioner Kiker and last day was June 30. Need consensus among Mayors with everyone, but Fort Myers Beach; they want to sit first; then Ft. Myers Beach wants to allow Sanibel to sit first year and then Ft. Myers Beach, create an environment of make-up of TDC, has to got o Lee County; talking with Commissioner Kiker.

Council to amended the time of the Executive Session to 12:40 p.m.

Councilman Denham spoke to behavior on Causeway and jet skis being launched from the causeway island and the need for rules and regulations.

Ms. Zimomra noted there were existing rules, the problem was enforcement. She noted the city was represented at a meeting held by the Sea School and new discussion relative to a topic of human activity. She further stated this would be a discussion with county natural resources and parks department.

Discussion ensued regarding Darla Letourneau providing information relative to activities.

Mayor Ruane announced that Council would go into their Executive Session.

**12:30 P.M. 14. Convene an EXECUTIVE SESSION RELATING TO UNION
NEGOTIATIONS**

In attendance shall be only the following persons:

Mayor Kevin Ruane

Vice Mayor Doug Congress

Councilman Denham

Councilman Marty Harrity

Councilman Jim Jennings

Sanibel City Manager Judie Zimomra

Sanibel City Attorney Kenneth B. Cuyler

Jim Isom, Director of Administrative Services

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

Council reconvened at 1:24 p.m.

There being no further business the meeting was adjourned 1: 25 p.m.

Respectfully submitted by,

Pamela Smith, MMC
City Clerk