

**SANIBEL CITY COUNCIL REGULAR MEETING  
TUESDAY, OCTOBER 01, 2013**

Mayor Ruane called the meeting to order at 9:07 a.m.

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

Members present: Mayor Ruane, Vice Mayor Congress, Councilman Denham and Councilman Harrity.  
Councilman Jennings was absent due to illness.

**Presentation(s)**

**Proclamation proclaiming October as Breast Cancer month.**

Mayor Ruane presented the proclamation to Dr. Steve Brown on behalf of the Susan G. Komen Foundation.

**Presentation by Mitch Hutchcraft South Florida Water Management District (SFWMD)  
Governing Board Representative – At-large representing Collier, Lee, Charlotte,  
Hendry, Highlands, Glades, Okeechobee, Orange, Osceola and Polk Counties**

Mr. Hutchcraft held a brief discussion with City Council relative to water quality issues.

Discussion ensued regarding water quality issues, water project and the time it took to complete and Lake Okeechobee releases.

City Council recessed at 9:59 a.m.

City Council reconvened at 10:09 a.m.

**Public Comment**

Rae Ann Wessel spoke to Lake Okeechobee releases.

Mayor Ruane moved, seconded by Councilman Denman, to excuse Councilman Jennings due to illness.

The motion carried with Councilman Jennings excused.

**Sanibel Swims Annual Grant Presentation**

Dr. Steve Brown spoke to the program.

Director Miller gave a brief PowerPoint presentation.

Michelle Brown, Lee County Memorial Hospital spoke to drowning prevention effort.

**Planning Commission Report**

Chairman Mike Valiquette spoke o the following:

- Items discussed were on today's agenda

**Public Comments**

None

**Council Comments**

Vice Mayor Congress noted that Councilman Jennings was ill. He further spoke to Sanibel Swims Program and the importance.

Councilman Denham spoke to Mr. Jennings' illness.

Councilman Harrity agreed with the above-mentioned comments.

Mayor Ruane also agreed with the above comments regarding Councilman Jennings speedy recovery.

**First Reading of an ordinance and scheduling of public hearing**

**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.

City Council set the second reading and public hearing for Tuesday, November 05, 2013 at 9:15 a.m.

**Second Reading and Public Hearing**

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

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

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt Ordinance 13-006.

Public Comment

None

The motion carried with Councilman Jennings excused.

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

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

Vice Mayor Congress moved, seconded by Councilman Harrity, to adopt Ordinance 13-006.

Public Comment

Wayne Ponader previously objected, but met with Mr. Kirkland and resolved issues.

David Bath spoke to his concerns regarding a segway tour to the Historical Museum and Village.

Mr. Cuyler noted this was an exemption of any segways, but Mr. Kirkland would need to go before the Planning Commission.

Discussion ensued regarding the Public Works Director and Chief of Police had reviewed the ordinance, could Chief Tomlinson speak to the ordinance, Ms. Zimomra noted that statistics do not show the Periwinkle Way/Casa Ybel was a dangerous intersection, but Council did authorize staff to look at a landing pad for a capital improvement for 2014 improvements and Mr. Kirkland looking to expand segway tours to certain destinations, but not the entire island..

The motion carried with Councilman Jennings excused.

**ORDINANCE 13-008 PERTAINING TO CHAPTER 14 OF THE SANIBEL CODE ENTITLED “BUILDING AND BUILDING REGULATIONS”; AMENDING ARTICLE IV, PERMITS, SECTION 14-191, FEE SCHEDULE, AND ARTICLE V, STANDARDS, SECTION 14-212, VALUE OF PROJECT OR WORK; AMENDING THE BUILDING PERMIT AND BUILDING REGULATION RELATED FEES SET FORTH THEREIN TO REDUCE SUCH FEES BY 25% WHILE MAINTAINING THE MINIMUM FEE STRUCTURE; ESTABLISHING THE CURRENT SCHEDULE OF FEES AND SUPERCEDING AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 13-008. She also spoke to this

Mayor Ruane moved, seconded by Councilman Denham, to adopt Ordinance 13-006.

Public Comment

None

The motion carried with Councilman Jennings excused.

**CONSENT AGENDA**

Vice Mayor Congress ask to pull item (b), (c) and (k).

**b. Approval of the General Employees Other Post Employment Benefits (OPEB) Study**

Vice Mayor Congress was not comfortable with the item and would like for the actuarial make a presentation to City Council.

Council decided to put this item on the GEPB November Board meeting and continue discussion n the December City Council meeting.

**c. RESOLUTION 13-093 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**

Vice Mayor Congress would also like for this item to go before GEPB meeting in November and on the City Council discussion on the December meeting.

**k. Approval of an agreement between the City of Sanibel and Granicus, Inc. to provide to the City software, hardware and managed services to provide the technical capabilities for live**

and on-demand web casting of public meetings, accessible via internet and mobile devices; complete searchable access to public meeting information, with note taking and links to materials; automated agenda flow and automated upload of meeting agenda materials to the City website; and integration with the City's current digitization system.

Recommendation that Granicus, Inc. be designated as a sole source provider and Council waive competitive selection requirements, and authorize the City Manager to execute same (hardware costs \$28,850; monthly managed services costs \$1,773; total amount is budgeted in the adopted FY2014 budget)

Vice Mayor Congress had reviewed the information and would allow the City to do live streaming.

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

Public Comment

None

The motion carried with Councilman Jennings excused.

- e. **RESOLUTION 13-088 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-002 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$30,000 grant from the US Fish and Wildlife Service for invasive plant control on J. N. Ding Darling National Wildlife Refuge. This amendment increase the FY2014 budget by \$30,000)
- g. Approval of an amendment to the Dutko McKinley Poole agreement for water quality issues **AND RESOLUTION 13-089 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-001 AND PROVIDING AN EFFECTIVE DATE** (To appropriate funds for the consultant (\$40,000) to represent City's interests on Federal issues dealing with water quality and Lake Okeechobee releases and travel (\$15,000). This amendment does not increase the FY14 budget) (Additional materials maybe distributed for this item prior to the meeting)
- h. Approval of purchase of a new vehicle in the Police Department expending the funds from the FY14 Police SEMP budget in the amount of \$24,499 (these funds are in the adopted FY2014 budget) **AND RESOLUTION 13-090 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE AND**
- j. **RESOLUTION 13-092 APPROVING A CERTIFICATE OF APPROPRIATENESS FOR THE REPLACEMENT OF THE EXISTING ROOF OF THE HISTORICAL BAILEY'S GENERAL STORE LOCATED IN THE HISTORICAL MUSEUM AND VILLAGE AT 950 DUNLOP ROAD; AND PROVIDING AN EFFECTIVE DATE**
- m. **RESOLUTION 13-094 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-003 AND PROVIDING AN EFFECTIVE DATE** (1)To roll-forward Pond Apple Park CDBG Boardwalk Project and Pond Apple Park/Shipleigh Trail Boardwalk Project (increases FY2014 budget by \$184,503); 2) To roll forward certain Public Works capital and repair and maintenance projects (increases the FY2014 budget by \$305,626): a. 2013 Sanibel River Clearing Project; b. Pretreatment Bypass Project; c. Donax Plant Metal Tank Repairs; d. Donax plant RAAS Pump Repair; e. Lighthouse Rehabilitation; f. Lighthouse Cottage Repairs. This total budget amendment increases the FY2014 budget by \$490,129)

Mayor Ruane moved, seconded by Councilman Denham, to adopt the above-mentioned resolutions and the agreements for items (g) and (h).and authorize the City Manager and City Attorney to complete negotiations for item (g).

Ms. Zimomra noted that item (g) would be for 4 months on federal issues.

Public Comment  
None.

The motion carried with Councilman Jennings excused.

- a. Approval of minutes – July 16, 2013 Regular Meeting, August 21, 2013 Special Meeting, September 07, 2013 Regular Meeting, September 17, 2013 Regular Meeting and September 17 Final Budget Hearing
  - d. Approval of an agreement with Anthony T. Gargano, P.A. to provide Code Enforcement Hearing Examiner Services for a term of three years and authorize the Mayor to execute same (the funds for the first year of this agreement are within the proposed FY 13/14 budget)
  - f. Approval of an agreement between the City and Sanibel Babe Ruth League, Inc. and authorize the City Manager to execute same
  - i. Approval of an Interlocal Agreement between the City of Sanibel, Lee County Emergency Operations Center, Lee County Port Authority, City of Fort Myers, and Lee County Sheriff's Department for the Code Red Emergency Notification System, which is a cost sharing project; Sanibel's portion is \$2,900 and authorize the City Manager to execute same (the \$2,900 is within the FY14 budget)
- l. Final approval of City Council FY13-14 Goals  
Mayor Ruane moved, seconded by Councilman Denham, to approve the above-mentioned items.

Public Comment  
None

The motion carried with Councilman Jennings excused.

## **OLD BUSINESS**

### **Water Quality Issues**

**Letters dated September 17, 2013 from 5 municipal Mayors to Governor Scott and George O'Keefe, Chairman, South Florida Water Management District Board (SFWMD)**

**Letters dated September 17, 2013 to Senator Benacquisto and Representative Caldwell**

Mayor Ruane spoke to requests for the South Florida Management Water District and State legislators..

### **RESOLUTION 13-081 ESTABLISHING A CROSSWALK POLICY INCLUDING PROCEDURES, STANDARDS AND FACTORS FOR CONSIDERATION AND ESTABLISHMENT OF MARKED CROSSWALKS WITHIN THE CITY OF SANIBEL; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 13-081.

Director Williams spoke to the following:

- Council authorized staff to work with Kittleson & Associates

- Policy gives guidance

Discussion ensued regarding the policy reflecting state guidelines, Director Evans noted state statutes, American for Disability Act and the Florida Green Book were included, anything changes that had to be made, Director Williams sets forth more concrete criteria, evaluate latent demand and provide standards consistently.

Councilman Denham moved, seconded by Councilman Harrity, to adopt Resolution 13-081.

Discussion ensued regarding the bike club agree with the policy and safety issues to allow people t o cross the road at any interval. .

Public Comment

Patty Sousa, Bike Club spoke to the club's agreement.

Claudia Burns spoke to her agreement.

The motion carried with Councilman Jennings excused.

## **CITY MANAGER**

### **Informational Items**

#### **Redevelopment Timeline**

#### **Code Amendments**

Ms. Zimomra noted that if at any time discussion was delayed in the Planning Commissioner that would push back to City Council.

#### **Civic Core – Presentation November 05, 2013**

Ms. Zimomra spoke to the civic core stakeholders agreed on a specific design.

#### **Update on an administrative hold on signs at theaters**

Ms. Zimomra noted that there was an administrative hold on signs that acknowledge sponsorship.

### **Departmental Reports**

#### **Recreation Revenue and Membership Report**

#### **Grease Trap Report**

#### **Capital Improvements Status**

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

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

The above-mentioned reports were for information only.

#### **Cape Coral Veterans Day parade for Monday, November 11, 2013 at 1100 in Cape Coral**

Council suggested contacting Councilman Jennings and staff would submit the paperwork with Councilman Jennings name.

## **CITY ATTORNEY'S REPORT**

None

## **COUNCIL MEMBERS' REPORT**

#### **Attendance at the Tourist Development Council (TDC) meeting of Friday, August 10, 2013**

Mayor Ruane spoke to increase in revenues.

**Attendance at the Sayfie Summit Thursday and Friday, September 12 & 13, 2013**

Mayor Ruane spoke to his attendance.

**Correspondence**

**Letter dated September 16, 2013 from Senator Bill Nelson regarding \$10,473,900 TIGER 2013 Discretionary Grants Program: Capital Grant award of a regional trail network in Lee County**

**Flood Insurance**

**Letters dated September 05, 2013 sent to 138 elected and appointed officials**

**Letters dated September 05, 2013 to Senator Bill Nelson, Senator Rubio and Congressman Radel**

**Letter dated September 23, 2013 from Mayor Randall Henderson, Jr. Mayor, Fort Myers**

**Press Release regarding Flood Insurance changes**

Noted that these letters were sent out by Mayor Ruane on behalf of City Council.

**COUNCIL COMMENT**

Councilman Denham spoke to his comments for the goals and bring back at the November Council meetings.

Mayor Ruane moved, seconded by Councilman Denham, to bring the goals back at the November Council meeting.

Public Comment

None

The motion carried with Councilman Jennings excused.

Vice Mayor Congress noted that

**PUBLIC COMMENT**

Karen Storijohan spoke to a crosswalk in front of the Sanibel Bean.

Ms. Zimomra noted it was added last year.

There being no further business the meeting was adjourned at 11:15 a.m.

Respectfully submitted by,

Pamela Smith, MMC

City Clerk