

**SANIBEL CITY COUNCIL REGULAR MEETING
JULY 16, 2013**

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

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

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

PRESENTATION(S)

Recognition of the Employee of the Quarter

Mayor Ruane recognized Dana Raco as Employee of the Quarter.

Recognition of Debbie K. Kwok and Luisa B. Cortes, Recreation Department upon receiving a certificate from the Tourism Development Council (TDC) for completing and passing the AHLA Educational Institute's Certified Guest Service Professional (CGSP) exam after completion of the Guests First program

Mayor Ruane recognized Ms. Kwok and Ms. Cortes for their accomplishment of obtaining the certification of Guest Service Professional.

Presentation of Employee Dependent Scholarship Awards

Vice Mayor Congress recognized the following employee dependents:

- Courtney Chaipel
- Emily Cobein
- Hayden Cummins
- Allison Eicher
- Andrea Ganicine
- Brandy Gudinas

Recognition of Grant Lipps for 25 years of service to the City and residents

Vice Mayor Congress recognized Grant Lipps with a proclamation on his 25th anniversary as a City employee.

Recognition of Sandra McDougall upon her retirement

Mayor Ruane recognized Sandy McDougall on her retirement with a proclamation and a Luc Century Crystal.

Recognition of Pamela Smith, City Clerk for receiving the Robert N. Clark Memorial Award from the Florida Association of City Clerks (FACC)

Mayor Ruane recognized Pamela Smith, City Clerk upon her receiving the FACC Robert N. Clark award. Lori McWilliams, Village Clerk, Village of Tequesta and FACC President presented the FACC Robert N. Clark award to Ms. Smith.

Planning Commission Report

Commissioner Chris Heidrick gave the following report:

June 11, 2013

- Approval of a variance and conditional use permit for outdoor seating and an additional kitchen

June 25

- Discussion of the distressed property ordinance, which was on this agenda

July 09

- Variance for Moonshadows HOA to allow for installation of pavers and discussion regarding qualifications of pavers single-family dwellings and condominiums
- Variance for a boat dock at 1198 Harbor Cottage Court 2-A construction of a boat dock for more than 8 feet in width and approved
- Continuation of a variance at 1816 Woodring Road for a detached garage
- Discussion of commercial redevelopment

Public Comments

Paul Reynolds spoke to his surprised that permitting costs was negotiated and asked Ken Cuyler, City Attorney of same. He further spoke to reducing planning and building fees being a moral issue. He further spoke to bad policy of City Council granting dispensation.

Mr. Cuyler noted that City Council had received requests for the reduction of planning and building fees. He explained that City Council had the right to reduce permitting fees and he was certain there would be additional discussions.

Steve Maxwell spoke to meeting with Mayor Ruane on August 05. He also spoke to agreeing with Mr. Cuyler's comments and the need to articulate language in a waiver that anyone would know could obtain if requested.

Council Comments

Councilman Harrity spoke to leadership.

Councilman Denham spoke to the passing of Doug Dietrich.

Vice Mayor Congress also spoke to the passing of Doug Dietrich.

Councilman Jennings congratulated the City Clerk and spoke the passing of Mr. Dietrich.

Mayor Ruane congratulated the City Clerk.

First Reading

ORDINANCE 13-003 AMENDING THE CODE OF ORDINANCES, PART II – SANIBEL CODE; SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126 – ZONING; ARTICLE XIV – SUPPLEMENTARY DISTRICT REGULATIONS; TO ADD A NEW DIVISION 17. DISTRESSED PROPERTIES; ADDING SECTION 126-1311 INTENT AND PURPOSE; SECTION 126-1312 DEFINITIONS; SECTION 126-1313 DECLARATION OF DISTRESSED PROPERTY; SECTION 126-1314 MAINTENANCE AND SECURITY STANDARDS; SECTION 126-1315 JOINT RESPONSIBILITY; SECTION 126-1316 ABATEMENT BY THE PERSON IN CHARGE; SECTION 126-1317 ABATEMENT PLAN; SECTION 126-1318 EXCEPTIONS; SECTION 126-1319 ENFORCEMENT; SECTION 126-1320 APPEALS; SECTION 126-1321 SUPPLEMENTAL CODE PROVISIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 13-003.

The second reading and public reading was scheduled for Tuesday, August 06, 2013 at 9:15 a.m.

Second Reading

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

Ms. Zimomra read the title of Ordinance 13-001. She reminded Council that the amendments were new IRS changes and would bring the plan into compliance.

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt Ordinance 13-001

Public
None

The motion carried

ORDINANCE 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

Ms. Zimomra read the title of Ordinance 13-002.

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt Ordinance 13-002.

Discussion ensued regarding removing the property from the district, Director Jordan noted that it would take a code amendment to remove the property from residential to commercial and Ms. Zimomra noted that staff's recommendation would be proceed with legislation and also proceed with a code amendment for a permanent change.

Public Comment
None

The motion carried.

Mr. Cuyler advised that Council may want to direct staff to bring back the pros and cons regarding the property to ascertain all Council agreed.

Mayor Ruane moved, seconded by Councilman Harrity, to direct staff to bring back the pros and cons relative to a code amendment of removing the property from residential district to commercial.

Public Comment
None

The motion carried.

**Presentation by Kittleson and Associates Traffic Engineers
Review of Current Crosswalk Policy
Design of Potential Crosswalks**

1020-1046 Periwinkle Way (Periwinkle Way and Casa Ybel)

Ms. Zimomra spoke to the following:

- Council direction to 1) update current crosswalk policy; and 2) review 3 specific intersections for improvements
- Come back with a resolution
- Proposal for 3 intersections

Keith Williams, Public Works Director introduce Ryan Cunningham, Kittelson & Associates presenting to PowerPoint presentation and final analysis.

Mr. Cunningham gave a brief PowerPoint presentation. He also presented the proposed revision recommendations to the crosswalk policy relating to minimum standards and goals and objectives.

- Minimum standards were designated by F.S. Chapter 316 and Manual Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways known as the “Florida Green Book”
- Americans with Disability Act requirements and federal guidelines for providing accessibility to facilities for disabled persons
- Recommended Goals and Objectives come from the latest national guidance and industry practice, which were contextualized for the City
- 3 types of locations
 - 1) stop controlled intersection approach where all traffic was required to stop and recommend an established goal to provide a crosswalk with facilities on both sides of the road
 - 2) Uncontrolled intersection approach and recommend more crosswalks be considered on a case-by-case-basis if certain conditions were met, such as facilities on both sides of the road; a minimum distance to alternative controlled crossing and minimum demand and illumination consideration
 - 3) mid-dock location, which were in between of crosswalk locations; minimum demand, put on 2 lane arterial roads, minimum distance to an adjacent marked crosswalk, per FS illumination required
- Location #1
 - Periwinkle Way and west of Bailey Road
 - Goal of the site was to provide connectivity of the 3 commercial properties
 - Shared use path runs along the south side of Periwinkle Way
 - Intersection volumes at Bailey Rd and Periwinkle Way
 - 4 alternatives: **1)** extend multi-use path west from Bailey Rd to a location between Lazy Flamingo and Dairy Queen and provide mid-walk crossing in front of Lazy Flamingo; advantages – a crosswalk in close proximity to 3 commercial properties and challenges were the turn vehicle conflicts of vehicles exiting Bennett’s, as well as vehicles exiting on the south side of Periwinkle Way; 380 feet between proposed and existing crosswalk at Bailey Rd., need of private easements; **2)** moving crosswalk to west between Lazy Flamingo and Dairy Queen driveways, advantages – close proximity to businesses; challenges – turning vehicles out of Lazy Flamingo, increase distance of proposed and existing crosswalk to 500 feet; need of private easements; **3)** extend path past Dairy Queen creating more separation of the Bailey Road crosswalk, challenges – private easements and turning vehicles; **4)** path further away from businesses, encroaching on roadway to west
- Recommendation
 - Alternative 2 crossing between Dairy Queen and Lazy Flamingo
 - Opportunities to enhance landscaping on the south side of the road to discourage crossing outside of crosswalk
 - Opportunities to provide bike accommodations
 - Possible private access

Ms. Zimomra noted that all property owners were notified of the presentation.

- Location #2
 - Periwinkle Way/Casa Ybel Road
 - Current crosswalks on east and south of intersection
 - East side crosswalk provides no landing or transition on north side of road
 - Goal was to provide landing and transition from north side crosswalk
 - Collected traffic and mid-walk volumes and vehicles speeds
 - Provide a sidewalk on the north side of the road that transitions in to the property and drops pedestrians and bicyclist onto the parking lot
 - Accommodates the modified lane configuration proposed by staff on the northbound approach from a left to a shared through right to a shared left and through and a right turn only
 - Accommodating the proposed plans by shifting the driveway on the north side over by 6 feet minimizing the north and south bounds offsets for through vehicles
 - Alternative #1
 - Uses existing crosswalk traffic
 - Uses existing and available storage on southeast corner of intersection for multi-use paths
 - Utilizes space created by shifting driveway to the west
 - Uses space for sidewalk
 - Challenges – driveway drainage impacts; outside pedestrian flow to continue, which drops pedestrians and bicyclists off on the northeast corner of driveway continuing to the front of the stores
 - Majority of turns going to the east from Jerry’s and Casa Ybel and traffic coming in from the east
 - Pedestrians more exposed on east side of road
 - Alternative #2
 - Removes crosswalk on east side of road
 - Create crosswalk on west side of road
 - Advantage – minimizes turn vehicle conflict; improve onsite pedestrian flow by dumping on the west side of driveway with a more direct route to front; need for storage
 - Walk with property owner to provide for enhanced rest area, which would take care of storage needs
 - By shifting driveway would recoup lost parking space to east side of intersection
 - Alternative #3
 - West side crossing
 - Advantages – creates additional bike connection, but no demand according to analysis
 - Additional right turn conflicts
- Recommendation
 - Remove existing crosswalk on east side and relocate to west side
 - Provide transition and connection to northwest corner
 - Enhanced bike pull off on southeast corner
- Location #3
 - Tarpon Bay Road/Island Inn Road
 - Create connectivity from existing path on east side of Tarpon Bay Road/Periwinkle Way to the west side of Tarpon Bay Road near Island Inn Road
 - Collected intersection volumes at Island Inn Road, Periwinkle Way and Tarpon Bay Road
 - Alternative #1
 - Crosswalk on south side of Island Inn Road intersection
 - Advantages – meets connectivity goal
 - Turning vehicle conflict in or out of Baileys coming from and going to the south
 - West bound left turns; north bound right turns
 - Exposes crosswalk
 - Drainage impacts on southwest corner of Island Inn Road and Tarpon bay Road
 - Alternative #2

- Further south mid-walk crossing
 - Creates separation from existing crosswalk at Periwinkle Way and create separation from turning vehicles at Baileys driveway
 - Separate from the current demand
 - Driveway easement needed and drainage impacts buy extend the path in front of Lily's
 - Alternative #3
 - Crosswalk on north side of intersection
 - Meet connectivity goal
 - Minimize turning impact
 - Lessen drainage impacts
 - Alternative #4
 - Mid-walk crosswalk a north end of intersection by separating from turning volumes
 - Closer to Periwinkle Way crosswalk
 - Separating from crossing demand
 - Additional easement impacts
- Provide better connectivity
 - Extend path down Island Inn Road to provide connectivity on west and east side of roadway
- Recommendations short-term and long-term
 - Short term – to meet current demand at intersection was alternative #3 by providing a crosswalk on the north side of Tarpon Bay Road and supplement with a crosswalk to Lily's property with private access working with the property owner and private access and access to Baileys' parking lot
 - Long term – use short term alternatives and extend path to Sanibel Boulevard southward to proposed crossing

Director Williams spoke to next steps, policy revision, bring back the crosswalk policy as a resolution. He further spoke to the recommendations as follows:

- Site #1 – Periwinkle Way/west of Bailey Road
 - Authorization to proceed with design and negotiation of required easements and construction of preferred alternative
- Site #2 – Periwinkle Way/Casa Ybel
 - Authorization with limited design and negotiation of required easements for preferred alternative, does not include construction
- Site #3 – Tarpon Bay Road/Island Inn Road
 - Authorization to proceed with design and negotiation of required easements and construction of preferred alternative

Councilman Harrity noted that he would recuse himself from voting on the Tarpon Bay Road/Island Inn Road crosswalk due to an ownership interest of a property on Tarpon Bay Road.

Mr. Cuyler stated that Councilman Harrity could vote on the other two crosswalks in question.

Council decided to discuss and take public comment for Project #1.

Public Comment

Dick Meunch spoke there being no need for the bike path needing to be 10 feet wide and the cost associated with the change.

Mr. Williams noted that according to the Shared Use Master Plan all paths on Periwinkle Way were supposed to be 10 feet. He further noted the plan does not address a supplementary path to an already existing path and staff would propose the path be at a maximum of 8-feet wide, but property owner input and Council's discussion, the path could be an alternative width.

Tom Sharbaugh, Sanibel Bike Club thanked the City for taking a thorough and comprehensive approach to the crosswalks. He also spoke to the curb supporting the recommendations and would improve safety. He further spoke to the crossing at Casa Ybel and the holding area defined on the south side and complicated by issues to get bikers off the main path and suggest that the owners be involved to make adjustments and the recommendation to install lighting.

Joe Swartz spoke in favor and noted that an entrance was installed on the east side of the property and the existing signage would need to be moved with a 10-foot wide path and possibility of additional clearing.

Larry Thompson spoke in favor of the crosswalk recommendation at the Dairy Queen.

Discussion ensued regarding in favor of the recommendation, state law relative to the illumination of crosswalks, Director Williams noted that illumination was in the Florida Green Book and states mid-block crosses must be illuminated, Ms. Zimomra noted the illumination was a standard, Mr. Cunningham noted that adequate illumination could be provided by a parking lot, no need for a 10-foot path, Director Williams noted that the plan calls for 10-foot path, but does not address the possibility of the long-term range plan of paths on both sides of Periwinkle Way and staff would be open to a less than 10 foot pathway based on the supplementary path, staff's vision was for a 8-foot path, exiting Lazy Flamingo sign 12.7 feet off the edge of the asphalt and an 8-foot path would extend to 13 feet off the asphalt, would like for staff to return with additional information from an engineering and safety point of view; identify the number of easement and width of path, timing and costs and get project be completed by season, Director Williams noted that completion depended on the notice to proceed, he also noted that one property owner had granted an easement as part of the development plan, need two additional easements, Director Williams noted the information was qualified as a conceptual design and there would be a final and costing design and could complete the project before the busiest time on island, money would allow the extension of the path in the future, look to completion of project within the master plan for the vision of Periwinkle and safety of user a path on the north side may be forthcoming in the future, timing wise, a cost savings to continue project at this location by piggybacking on an existing contract, Director Williams agreed that staff was prepared to piggy back on another contract, bring back additional information at the August meeting, support for illumination of crosswalks, reddish color used in Ft. Myers crosswalks, support lighting

Larry Thompson spoke a second time to grant easements for Lazy Flamingo and he and his partner would not be opposed to easement for Dairy Queen and would like to make sure there would be no impact to future development.

Ms. Zimomra noted that there was the need for staff's due diligence for site #1.

Claudia Burns spoke in support and spoke to site number 2 with developing a place on the southeast corner for a storage area.

Karen Storijohan spoke to improving the line of site if the crosswalk remains in place because the trees jut out in the road.

Director Williams noted that the above was part of the reason to move the path to the opposite side of the intersection and opens up the opportunity of other pathway users to be visible from vehicles and eliminates any conflict with the right-hand turn into Jerry's parking lot for west bound traffic.

Paul Reynolds spoke to exiting on Periwinkle Way to make certain that someone was directing traffic and residents go the west end.

Tom Sharbaugh, Sanibel Bike Club spoke a second time regarding the reason for supporting the recommendation was due to the difficulty in an easement with the bank. He further noted that this intersection recommendation was need for general pathway safety.

Discussion ensued regarding the most important crosswalk area that needs consideration, Director Williams noted that since staff already one easement for the Periwinkle Way/Bailey Road it appeared that project would track

faster, whereas the preferred alternative for the Periwinkle Way/Casa Ybel involved stakeholders, such as the Mango Bay property owners that had never been involved in any discussions and staff would be starting from scratch and hesitant to give a timeline and even though Jerry's representative had agreed with a change, not this particular recommendation and Director Williams further stated there would be a greater engineering design.

Claudia Burns spoke a second time regarding a crosswalk on the west side and the possible need of a stop sign

Discussion ensued regarding the landing area on the Jerry's side of the recommendation, Director Williams answered with the shift in the curb line gives an opportunity to use a parking space and extend a sidewalk/path with an ADA handicapped accessible ramp, driveway shifting to the west and shift the curbing, was there a line of site issue and Director Williams noted that may very well be a visual problem.

Paul Reynolds asked if there was room to create a roundabout as an experiment.

Discussion ensued regarding the possibility to install a roundabout; Director Williams noted there was not adequate right-of-way to operate a roundabout.

Claudia Burns stressed that most of the exiting traffic was coming from the west not the east.

Director Williams spoke to traffic numbers of exiting traffic at the Periwinkle Way/Casa Ybel crosswalk left-hand turn, which conflicts with the current crosswalk location showed 118 vehicles and right-hand turn, which did not conflict with current location, but would with proposed location showed 12 vehicles over a three-hour period and move forward with the Casa Ybel location and Director Williams noted the new crosswalk would be 2014 summer.

Council directed staff to bring back a memorandum identifying challenges from easements to various property owner and talk about the timeline.

#3 Tarpon Bay/Island Inn Road

Karen Storijohan spoke to post office crosswalk for bike at the exit not the entrance and turning into outgoing traffic and move to entrance with a pathway to the front.

Ms. Zimomra noted the challenge was a drainage issue, deep swells and cannot come in the middle of a swell, but a potential improvement with Tarpon Bay Road drainage and a possible landing change.

Dan Skylar, Lily and Company spoke to a restaurant on the undeveloped property with potential additional traffic. He further spoke to bike parking and encouraged Council to develop a storage/landing area for bikes. He asked the difference of the long-term versus short-term; Director Williams answered that short term authorization would include discussions with property owners for easement acquisition and pricing and design, and long-term was contingent on the north side property development.

Discussion ensued regarding what were the long-term solution, Director Williams answered that there were certain areas that would need easements for construction, additionally, in order to make everything work vertically to know how the unimproved site would be developed for a seamless transition, as well as an analysis on the demand of the use in that area was a component of the long-term plan, would not want to construct before property was developed, whatever might be built on the property could impact the site development, Councilman Harrity noted there was a site plan and would provide to Director Williams, Director Williams staff would meet with Lily and Company due to the report that bikes stopping in a different place.

Council asks that staff come back with any additional information at the August Council meeting.

Mr. Cuyler noted that with regard to this item no Mr. Harrity

Council recessed at 10:57 a.m.

Council reconvened at 11:13 a.m.

CONSENT AGENDA

Councilman Denham asked that item (f) and (o) be removed for discussion. Vice Mayor Congress asked that (h) be removed for discussion and item (l) was requested to be removed by the audience.

- f. Approval of an Interlocal between the City and Lee County regarding a Fertilizer Educational Program and authorize the City Manager to execute same **AND RESOLUTION 13-064 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-036 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$37,000 from environmental reserves to provide partial funding to Lee County for a fertilizer education program. This amendment does not increase or decrease the FY13 budget)

Councilman Denham suggested that the make-up of the committee be 3 from Lee County, 2 from Sanibel and 1 from another municipality.

Ms. Zimomra

Councilman Denham moved, seconded by Councilman Harrity, to adopt Resolution 13-064 and suggest the committee make-up to be 3 members from Lee County, 2 members from Sanibel and 1 member at large.

Public Comment
None

The motion carried.

- h. **RESOLUTION 13- 058 AUTHORIZING THE FINANCE DIRECTOR TO SEPARATELY ACCOUNT FOR THE CITY'S RECREATION FINANCIAL ASSISTANCE DONATIONS RESTRICTED FUND BALANCE AND TO ALLOCATE A PRO-RATA SHARE OF THE ANNUAL INTEREST EARNINGS ON THE CITY'S POOLED CASH AND POOLED INVESTMENTS FUND TO SUCH RECREATION FINANCIAL ASSISTANCE DONATIONS RESTRICTED FUND BALANCE; AND PROVIDING AN EFFECTIVE DATE**

Vice Mayor Congress explained that the document allowed restricting funds.

Ms. Zimomra read the title of Resolution 13-0589.

Vice Mayor Congress moved, seconded by Councilman to adopt Resolution 12-058.

Public comment
None

The motion carried.

- l. Recommendation of the ranking of video consultant bids and authorization for City

Manager to negotiate an agreement (this project is in the adopted FY13 budget) (LISTEN 1120)

John Peterson, current vendor spoke to technology proposed was relative new in Florida and was explained in the second page of the document. He further related that the document submitted were wrong and can support the project.

Director Smith spoke to the following:

- Released an RFQ to integrated all Cit systems
- 5 companies submitted qualified bids
- Visited 5 recommended cities
- Criteria used to rank with a solution of genetic and experience of video company another video vendor was easier
- While doing on-site visit Johnson professionally designed for Sanibel (West Palm)
- IFFS in Lee County
- Johnson Controls a nationally based company
- Recommendation was to proceed with Johnson Controls

Discussion ensued regarding the confidence of the choice, no issues with IFFS, no new technology introduced since quote, a lot of weight for existing vendors, Director Smith no new technology and all vendors submitted viable products, Mr. Cuyler noted it was never implied that all companies were not very goo, but ultimately a recommendation had to be made, anyone had the opportunity to pull the item for discussion and rely on staff's expertise.

Councilman Harrity, moved, seconded by Vice Mayor Congress, to accept staff's recommendation

Public Comment

None

The motion carried.

o. RESOLUTION 13-060 ESTABLISHING A COUNCIL POLICY TO (1) REVIEW CITY BUILDING AND PLANNING FEES FOR THE CITY'S 2013-2014 FISCAL YEAR TO DETERMINE WHETHER A REDUCTION IN SUCH FEES IS WARRANTED AND (2) ESTABLISHING A POLICY TO EXTEND ANY SUCH REDUCTION(S) RETROACTIVELY TO BUILDING AND PLANNING APPLICATIONS FILED ON OR AFTER JUNE 5, 2013; AND PROVIDING AN EFFECTIVE DATE

Councilman Denham spoke to reviewing various expense items within the budget and made substantial reduction with fees in the Planning and Building Departments. He further spoke to reviewing the fees again and was necessary to make necessary reductions. He spoke against making any retroactive reduction.

Discussion ensued regarding the difference was a topic that was publicly announced the charges and fees and stifle any individual not receiving any benefit between the discussion and the decision was made, any change in fees would be retroactive to June, 2013, as approval of budget fee would come into effect, should review as part of budget process and no rationale to make fees retroactive, retroactive date chosen due to last Council discussion, past discussion of two separate applicants for fee reduction, application was for a variance and may be denied, but a need for payment, could have further reduced building and planning fees during last budget cycle, filed application between June 5th and adoption of the budget, policy decision, extremely unfair after the event to make exception for one applicant. Councilman Harrity asked if he should vote because this change could benefit him and his partners.

Mr. Cuyler agreed that Councilman Harrity should recuse himself.

Ms. Zimomra read the title of Resolution 13-060.

Mayor Ruane moved, seconded by Vice Mayor Congress, to adopt Resolution 13-060.

Discussion ensued regarding the timeline stopping at September 30, 2013.

Mayor Ruane amended his motion to include making fees retroactive from June 15, 2013 to September 30, 2013 and adopt Resolution 13-060.

Mr. Cuyler suggested making any fee reduction retroactive to December 31, 2013.

Mayor Ruane amended the motion to include any fee reductions included in Resolution 13-060 retroactive to June 15, 2013 through December 31, 2013, Vice Mayor Congress agreed.

Public Comment

None

The motion carried with Councilman Harrity recusing himself due to self interest.

- b. **RESOLUTION 13-053 OF THE SANIBEL CITY COUNCIL RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE, IN THE CITY OF SANIBEL; CONSTITUTING THE CITY'S 2013-2014 FISCAL YEAR INITIAL ASSESSMENT RESOLUTION RELATING TO THE ANNUAL SPECIAL SERVICE ASSESSMENT TO FUND THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF SANIBEL FOR THE FISCAL YEAR OCTOBER 1, 2013 THROUGH SEPTEMBER 30, 2014; CONFIRMING AND AUTHORIZING MATTERS RELATING TO SUCH ASSESSMENT; SCHEDULING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE ANNUAL RATE RESOLUTION AND TO CONFIRM COLLECTION OF SUCH SPECIAL SERVICE ASSESSMENTS THROUGH THE UNIFORM METHOD OF COLLECTION (i.e. ANNUAL LEE COUNTY TAX BILL); PROVIDING DIRECTION FOR THE PREPARATION OF THE ASSESSMENT ROLL AND NOTICES REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE**
- c. **RESOLUTION 13-054 APPROVING A SOLID WASTE RATE STRUCTURE FOR FISCAL YEAR 2013-2014 WHICH RESULTS IN A 0.7% DECREASE IN CURBSIDE RESIDENTIAL RATES, A 0.4% DECREASE IN COMMERCIAL CURBSIDE RATES AND A 1.4% DECREASE IN DUMPSTER RATES; APPROVING A SOLID WASTE FRANCHISE FEE AND A SOLID WASTE DISPOSAL SURCHARGE; AND PROVIDING AN EFFECTIVE DATE**
- d. **RESOLUTION 13-055 APPROVING A LEASE AGREEMENT FOR THE WEST LIGHTHOUSE CARETAKER'S COTTAGE WITH RANDY D. WRIGHT; AND PROVIDING AN EFFECTIVE DATE**
- e. **RESOLUTION 13-056 APPROVING A LEASE AGREEMENT FOR THE EAST LIGHTHOUSE CARETAKER'S COTTAGE WITH DENNIS L. ROBERTS; AND PROVIDING AN EFFECTIVE DATE**
- g. **RESOLUTION 13-057 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-038 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$150,000 from general fund ending fund balance for architectural services, traffic engineering, surveying and storm drainage engineering towards the development of a Master Plan for the Civic Core. This amendment does not increase or decrease the FY13 budget)

- i. **RESOLUTION 13-059 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE** (Police, Parking and Recreation Department's equipment)
- q. Approve proposal for Professional Services wit Sea Diversified, Inc. to perform the 2013 summer beach monitoring survey in the amount of \$79,750 **AND RESOLUTION 13-061 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-039 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$80,000 from beach parking ending fund balance for the City's portion of the cost of the annual beach monitoring survey. This amount is matched by \$40,000 in funding to be provided from the Lee County Tourism Development Council (TDC). This amendment does not increase or decrease the FY13 budget)
- r. **RESOLUTION 13-062 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-037 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$10,000 from environmental initiatives reserves to provide funding for iguana removal. This amendment does not increase or decrease the FY13 budget)

Ms. Zimomra read the title of the above-noted resolutions.

Mr. Cuyler noted that an approval of the agreement under item (q) would be included.

Vice Mayor Congress moved, seconded by Councilman Denham, to adopt the above resolutions and approve the proposal for the summer beach survey.

Public Comment
None

The motion carried.

- a. Approval of Minutes – May 7, 2013 Regular Meeting
- j. Request to purchase 1 Police Department vehicle and 1 Beach Parking vehicle through the Florida Sheriff's Association State bid contract for replacement in the amount of \$24,499 from the Police Department's Capital Improvements Program (CIP) and \$19,260 from Parking Capital Improvement Program (CIP) (these purchases were authorized in the adopted FY13 budget and will not increase the FY13 budget)
- k. Award 2013 Shared Use Path repair project contract to Seaton Paving and Sitework, Inc. in the amount of \$128,179 and authorize City Manager to execute same
- m. Award Pond Apple Park/ShIPLEY Boardwalk Construction Project to lowest responsive bidder, Stokes Marine, Inc., in amount of \$139,514 and authorize the City Manager to execute same (Work to be performed is 100% grant funded by the FDEP Recreational Trails Program and SCCF Starr Thomas Fund)
- n. Approve a letter of support for the Lee County Sheriff's Department for a grant (Edward Byrne Memorial Justice Assistance Grant) which includes \$1,799 toward the purchase of a hand-held thermal imaging (FLIR) camera to enhance operational readiness of Sanibel Police Department officers to be executed by the Mayor (This grant would increase the FY13 budget)

- p. Approval of a Joint Resolution with Lee County extending the City's participation in the Community Development Block Grant Urban County Cooperation Agreement for HUD entitlement funds for fiscal years 2014-2016 and authorize the Mayor to execute same (CDBG funding previously provided under this agreement has been used to make ADA accessibility improvements at City Hall, Big Arts, Historical Village and Museum and Pond Apple Park accessible walkway)

Councilman Denham moved, seconded by Councilman Harrity, to above the above-mentioned Consent Agenda items.

Public Comment
None

The motion carried.

CITY MANAGER

Informational Items

Status report regarding to Redevelopment

Public Works Department Needs Study

Ms. Zimomra noted the study was completed.

Final agreement between the City and Woodroffe Corporation Architects relative to the completion of the City's Civic Core Area Redevelopment review as authorized by City Council

Ms. Zimomra noted the above was the negotiated agreement approved at the June City Council meeting. She further spoke to the Planning Commission has commenced reviewing Code changes beginning with Permitted Uses, then Interconnectivity and parking. She further spoke to the summary of meeting that Ms. Woodroffe with each partner group.

Updated Shared Use Path Bicycle Incident Report

Ms. Zimomra noted that the above was completed and shared with traffic consultants.

Final Report from the Bayous Preservation Association (BPA)

Ms. Zimomra noted this was for information only.

Letter from Rob Baldwin Mayor, City of Belleair Beach regarding objections to the Florida Department of Environmental Protection's (FDEP) draft of Rule 62B-36 changing Beach Access rules

Ms. Zimomra noted that the above letter was received and Mayor Baldwin was requesting support for a change from 50 to 100 parking spaces, which would not impact Sanibel.

Departmental Reports

June Grease Trap Report

Planning Department Permit Activity Report June, 2013

Planning Department Code Enforcement Activity Report June, 2013

Building Department Monthly Revenue June, 2013

Building Department Monthly Permitting Report June, 2013

Administrative Departmental Reports

Status of Capital Projects

Recreation Membership and Revenue Report

Letter received June 27, 2013 from Florida Department of Economic Opportunity regarding the review of Sanibel's Comprehensive Plan amendment Causeway counts for March, April and May, 2013

Ms. Zimomra related that the above were departmental reports. She further spoke to receiving notification that the Sanibel Plan amendments were approved by the State.

Mayor Ruane announced the meeting was recessed so Council could meet in a Closed Session at 12:00 Noon and persons below would be in attendance.

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

Crystal Mansell, Administrative Services Technician

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

Council reconvened at 1:00 p.m.

OLD BUSINESS

Water Quality

Director Evans spoke to the level of Lake Okeechobee as follows:

- 15 feet level
- 12.5 feet last year the same time
- Maximum elevation for Lake Okeechobee was 17 feet
- Flows out of S-77 9,000 to 10,000 cfps
- 7,000 cfps coming from watershed and remainder from lake releases
- Lake Okeechobee Release Schedule (LORS) 2008, once in the intermediate sub band ACOE could release up to 4,000 cfps out of S-77 and 1,800 cfps to the St Lucie estuary
- High sub band could release 6,500 cfps
- Anticipate releases to increase
- 2004-05 timeframe due to Lake Okeechobee not being churned by storms
- Increased flows in 2004-05 that resulted in algal blooms was due to over 3 months of high release flows over 6,000 cfps
- If flows exceeded 9,000 cfps there would be a similar reaction
- ACOE not changed plan of releases

Discussion ensued regarding water quality, Lake Okeechobee releases, clean-up water in Caloosahatchee basin, support lobby with SFWMD to implement water storage and treatment projects to reduce water flows on the basin, Council may want to prepare a letter to SFWMD to indicate short-term items that could be accomplished,, SFWMD had \$19 million for the Lake Hipcochee clean-up, C-43 construction and requires federal funds and a letter to local federal legislators to push for funding of C-43, might want to use area captains, Senate Select Committee being formed to study Lake Okeechobee by east coast representatives, what was short-term storage solutions, Director Evans noted that permits had been requested for 10,000 acre feet of water storage, money in budget for Lake Hipcochee, treat what is coming from the watershed, real solution was to clean up Lake

Okeechobee, if water was clean enough it could be moved south, better management practices proposed for agriculture lands and staff preparation for an algal bloom, Ms. Zimomra noted that the plan was to hand rack as in the past, bring in additional equipment, TDC continues to have funds if beaches need to be cleaned-up, how could Council relate the same message and who heads the strategy.

Discussion of City of Sanibel Water Quality Strategy

Councilmember Denham spoke to the following:

- Coordinate legislative effort
 - Continue implementation of golf course fertilizer management plan
 - Implement a Sanibel comprehensive nutrient plan
 - Area wide objective to reduce nitrogen coming into the river
 - Partner with Lee County for funding
 - Work with stakeholders for a Caloosahatchee visioning process

Discussion ensued regarding an alternate for the Regional Planning Council, Vice Mayor Congress could carrying the message and getting approval of the strategy, sometimes a different approach with same message could be effective and Councilman Denham meeting with the Lee County Natural Resources Department early August.

Mayor Ruane moved, seconded by Councilman Harrity, to agree that Councilman Denham would work with City and Lee County staff and come back to Council to further define Council's approach.

Ms. Zimomra spoke to the struggle not being an alarmist that would affect vacationers and home buyers and may want the message to be educational and informative, citing a temporary condition.

Public Comment

Shane Spring, Sanibel-Captiva Realtors spoke to meeting with state and federal legislators and want to help with any effort.

Sonia Smith spoke to the need for public support.

The motion carried.

Update relative to the citizen fertilizer educational program

Councilman Denham spoke to with approval on the consent agenda have approximately \$150,000 and once again speaking before the Charlotte County Commissioners.

Continued Causeway discussion

Vice Mayor Congress spoke to the following:

- Provide a similar report on a semi-annual basis
- Junior lien balance to \$4.2 million as of March 31, 2013
- Anticipate another \$3 million by year's end

FY13-14 Budget

Distribution of Budget

Budget Calendar

City Council FY 12/13 adopted goals

Ms. Zimomra spoke to the following:

- Millage rate could be decreased, but not increased after today
- Slight increase in real estate
- One minor personnel change of adding a position in the Police Department

- Investment in technology
- \$200,000 for civic core project
- \$180,000 carry-forward
- Capital project withheld this year

Mayor Ruane noted the goals remain the same.

Discussion ensued regarding working with staff to tighten the budget, goal to reduce debt, pension issue part of GABY 65 and 68 as part of the budget beginning 2015, and Police Department pension change assumption rate from

8% to 7.5% and change accrued liability from \$799,000 to \$1.2 and was due to reducing assumptions, paying for increase over time and free up \$200,000 by working with staff.

Ms. Zimomra noted that last year between the July meeting and the September meeting to make alteration and brought back a series of matrixes that were responses to Councilmembers request.

Councilman Denham moved, seconded by Councilman Harrity, allow Mayor Ruane to work with staff to free up \$200,000 and make recommendation to the City Manager whom will brief other Councilmembers during on the progress and formal presentation in September.

Public Comment

None

The motion carried.

Discussion ensued regarding millage rate at 2.0861, to low and should set at 2.2, would have flexibility, find a way to eliminate \$1.3 million and free up \$200,000 in expenses, \$312,000 increase in police pension with \$200,000 from the change in assumptions, .1 equal \$400,000, areas in the budget that could allow the City to accomplish what Council wanted to accomplish in FY14.

Councilman Harrity moved, seconded by Mayor Ruane, to set millage rate at 2.0861.

Public Comment

None

The motion carried.

Additional Materials requested by City Council

Review of Fees

Revenue and Fees for the Building Department

Mayor Ruane noted that the fees were reduced by 25% and was to leave the Building Department ending fund balance very low and would like for a charts showing increments of 10%, 20% and 30%.

Mayor Ruane moved, seconded by Councilman Denham, to direct staff to bring back a chart showing the reduction of building fees by 10%, 20% and 30%.

Public Comment

None

The motion carried.

RESOLUTION 13-063 ADVISING THE LEE COUNTY PROPERTY APPRAISER OF THE PROPOSED OPERATING MILLAGE RATE, THE ROLLED-BACK RATE, THE PROPOSED AGGREGATE MILLAGE RATE, THE MILLAGE LEVY FOR

THE SEWER VOTED DEBT SERVICE, THE LAND ACQUISITION VOTED DEBT SERVICE, AND THE RECREATION CENTER VOTED DEBT SERVICE AND THE DATE, TIME AND PLACE AT WHICH A PUBLIC HEARING WILL BE HELD TO CONSIDER THE TENTATIVE OPERATING MILLAGE RATE FOR TAX (CALENDAR) YEAR 2013 AND TENTATIVE BUDGET FOR THE CITY OF SANIBEL 2013-14 FISCAL YEAR; AUTHORIZING AND DIRECTING THE CITY MANAGER TO PROVIDE CERTIFICATION OF SAME; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 13-063 and the blank was completed as 2.0861.

Councilman Denham moved, seconded by Mayor Ruane, to adopt Resolution 13-063.

Public Comment

None

The motion carried.

Revenue and Fees for the Planning Department

Mayor Ruane moved, seconded by Councilman Denham, to direct staff to bring a chart back for 10%, 20% and 30% showing the reflected millage.

The motion carried

Review Recreation Center Membership Fees

Vice Mayor Congress moved, seconded by Councilman Denham, to direct staff to review amortization and bring back a recommendation.

The motion carried

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Attendance at the Florida Municipal Investment Trust (FMIT) and Florida Municipal Insurance Investment Trust (FMITvT) Board meetings

Mayor Ruane spoke to the following:

- Based on actuarial recommendation to increase various coverage including health
- City received 10.6% increase

Discussion regarding Biggert Waters National Flood Insurance Reform Act of 2012 (BW12)

Mayor Ruane spoke to changes relative to the National Flood Act.

Chris Heidrick spoke to the following:

- NFIP re-authorize every 5 years
- Prior to Hurricane Katrina the program was automatically authorized each year
- After hurricane Katrina there was a \$16 billion deficient
- BW-12 signed into law July 06, 2012
- Section 205 – eliminates pre-firm flood rates (apply to home that existed before flood rates and before April 16, 1979)

- Residential and commercial structures
 - \$10,000 per year and may exceed
 - Nationwide impact less than 1% of housing stock
 - Out of 22,000 participating communities Sanibel is number 28
 - Sanibel had 2,029 single family and condos, 361 business and 174 multi-family structures
 - Purchased after October 01, 2013 must pay full premium
 - Ground level structures from July, 2006 to 2013 renewal notice would require an elevation certificate and full impact
 - Commercial would receive a rate increase by 25% per year until full flood rate was reached
 - Non-economic impacts to persons of age or renters would have increased passed to them
 - Small businesses would be affected similarly
 - Potential impact to tax base
 - Ground level structures become unaffordable
 - Possible delay and decrease to rebuild if destroyed
 - No advance warning and effective July 26, 2013
 - Delivery date of affordability study was not set
 - Recommended letter be sent to Senator Nelson, Senator Rubio and Congressman Radel
- Section 207
 - Eliminates grandfathering, but not until flood maps were revised
 - 3 legislators from Florida signed the bill
 - \$16.1 billion paid in by Floridians and \$4.1 million paid

Discussion ensued regarding getting the Florida League of Cities involved, applying to primarily businesses and homes, support writing a letter under Mayor's signature to federal representatives, Lee County was #6 on list, applies to ground-level residences and businesses, Mayor would reach out to Lee County, and other individual legislators, a town hall meeting may be helpful, reach out to person that wrote an email and Mayor Ruane to send letters to elected and appointed officials.

Public Comment

Shane Spring spoke to receiving an email of a bill received from someone that their insurance quadrupled and need to get Lee County involved.

Wayne Ponader asked if Mr. Heidrick would explain the options when the underwriter is quoting insurance.

Cathy Garrison spoke to working with clients who found a ground-level home for \$845,000, but insurance was \$20,000.

Mayor Ruane noted Council supported working with local delegation, letters to federal, state and local delegation, Lee County, FLC, National League of Counties and Vice Mayor would bring forward at RPC.

Chris Heidrick spoke to FEMA not released the rates for properties; so far rates may be close.

Discussion ensued regarding Florida paid in \$16 billion and paid out \$4 billion, how many states involved, 240,000 properties impacted both Louisiana and New York about 80,000 properties and talking points from Mr. Heidrick to Council.

There being no further business the meeting was adjourned at 3:15 p.m.

Respectfully submitted,

Pamela Smith, MMC
City Clerk

**SANIBEL CITY COUNCIL SPECIAL MEETING
AUGUST 21, 2013**

Mayor called the meeting to order at 9:03 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.

Mayor Ruane explained the reason for the Special Meeting. He further spoke to his trip to Orlando and Tallahassee.

City Council update regarding Lake Okeechobee Water Releases and discussion of the City's short term and long term priorities regarding the Lake Okeechobee Water Releases

Presentation by Natural Resources Director, James Evans

Update from Mayor Ruane on the Economic Impacts of Lake Okeechobee Water Releases, educating State and Federal Officials on the Economic Impacts and discussion of the City's Priorities

James Evans Director of Natural Resources and Mayor Ruane gave a brief PowerPoint presentation.

Council Discussion

Discussion ensued regarding priorities of the 9 counties coalition, contacts made by different Councilmembers, water needs to go south and need additional funds, need to concentrate on the economy, need good water quality, concerned that if rain stops, Lake Okeechobee levels lower attention will stop, events taken place on Captiva, Rally on the Sanibel Causeway, something go on at Fort Myers Beach.

Public Comment

Karen Storijohan suggested state and federal official contact information be published.

Shane Spring, Board of Realtors spoke to members pushing their Board to be available. He noted that Senator Negron was pushing for a 120 day solution to put the water somewhere else.

Robert Brooks spoke to the professionalism of City Hall and appreciated staff. He was involved with an organization that was able to save the jersey shore from pollution. He suggested setting up non-profit and gathering signatures. He pledged the first \$500 if a non-profit was organized and was there anyway that eminent domain could be used to secure lands for water storage.

Chris Hedrick, spoke to hearing from several inn of guests cutting their stay earlier due to the water.

Herb Rubin spoke to seeing a story to fund the dike around Lake Okeechobee. He further spoke to his concerns and the water flowing south.

Jeff Powers spoke to defining long-term solutions and asked for ration of water to the east and west. He asked if the majority of water to the west.

Director Evans spoke to the following:

- 6,569 cfps to the west from S-77 out of Moorehaven
- 3,892 sfps to the east from S-308
- West gets the majority of the water
- Maximum capacity was approximately 9,000 cfps

Amy Costello asked when Mayor Ruane met with Governor Scott and was there support for projects.

Mayor Ruane noted that a recent letter from the Governor mirrored the request of the City and working to make sure he comes to Lee County.

Jonathan Tonygia spoke to the ACOE wanting to strengthen the dike and money would be better spent if the flow of water went to the south.

Director Evans noted that approximately \$300 million had been spent and need to manage to clean the water in order for it to flow south.

Richard Johnson spoke to his pride of Council's being proactive. He asked the audience to raise their hands if they were behind City Council.

Ralph Clark spoke to the pressure from the sugar industry and if there was an effort to offset that influence.

Director Evans noted there were willing sellers to purchase land and last week U.S. Sugar was willing to sell.

Discussion ensued regarding Senator Constantine interested in supporting purchase of lands, wife works for U.S. Sugar and he also understands that the water must be cleaned before it could be moved south.

There being no further business the meeting was adjourned at 10:37 a.m.

Respectfully submitted by,

Pamela Smith, MMC
City Clerk

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

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

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

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

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

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

Discussion ensued regarding adopting items on a consent agenda item.

Mr. Cuyler noted the following:

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

Public Comments

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

Council Comments

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

Councilman Denham also spoke to Lake Okeechobee water releases.

Councilman Harrity also spoke to Lake Okeechobee water releases.

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

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

Public Comment
None

The motion carried.

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

FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

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

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

Ms. Zimomra read the title of Ordinance 13-005

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

Sewer Rates

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

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

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

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

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

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

Public Comment

Jonathan Tonugayi spoke to relating to the cost of connection.

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

Public Comment

None

The motion carried

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

Public Comment

None

The motion carried.

Quasijudicial Hearing

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

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

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

Councilman Harrity noted that he needed to recuse himself.

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

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

Director Jordan gave a brief overview as follows:

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

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

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

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

The motion carried, with Councilman Harrity recusing.

CONSENT AGENDA

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

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

Councilman Denham asked for clarification of this agreement.

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

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

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

Public Comment
None

The motion carried.

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

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

Director Williams spoke to the following:

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

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

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

Public Comment
None

The motion carried.

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

Mayor Ruane recognize working with SCCF.

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

Public Comment
None

The motion carried.

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

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

Public Comment

None

The motion carried.

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

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

Public Comment

None

The motion carried.

OLD BUSINESS

Water Quality Issues

Update on Lake Okeechobee Releases

Director Evans spoke to the following:

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

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

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

Mayor Ruane spoke to the following:

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

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

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

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

Update on fertilizer public education

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

Public Comment

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

Correspondence to Legislators State and Federal

Letter dated July 30th to Daniel O’Keefe, Chairman of the South Florida Water

Management District (SFWMD) regarding Lake Okeechobee discharges and storage

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

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

Mayor Ruane spoke to above letters and traveling to Tallahassee.

CITY MANAGER

Informational Items

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

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

Distribution of the new “Dark Sky” brochure

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

Recreation Membership and Revenue Report

Information only.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

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

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

Reported on earlier.

Attendance at the Metropolitan Planning Organization of August 16, 2013

Vice Mayor Congress spoke to the following:

- Interesting presentation with regards to smart growth

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

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

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

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

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

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

The motion carried.

Councilman Jennings spoke to sitting down and dining together.

PUBLIC COMMENT

None

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

Respectfully submitted by,

Pamela Smith, MMC
City Clerk

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

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

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

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

PRESENTATION(S)

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

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

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

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

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

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

Holly Milbrandt gave a brief PowerPoint presentation.

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

Mike Valiquette, Chairman Planning Commission gave the following report

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

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

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

Public Comments

None

Council Comments

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

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

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

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

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

First Reading of an ordinance and scheduling of public hearing.

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

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

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

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

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

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

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

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

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

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

Second Reading and Public Hearing

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

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

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

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

Public Comment
None

The motion carried.

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

Ms. Zimomra read the title of Ordinance 13-005.

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

Public Comment
None

The motion carried.

CONSENT AGENDA

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

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

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

Public Comment
None

The motion carried.

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

Ms. Zimomra read Resolution 13-083

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

Public Comment
None

The motion carried.

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

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

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

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

Public Comment
None

The motion carried.

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

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

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

Public Comment

None

The motion carried.

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

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

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

Public Comment

None

The motion carried.

Council recessed at 10:00 a.m.

Council reconvened at 10:19 a.m.

OLD BUSINESS

Water Quality Issues

Report regarding Lake Okeechobee releases

Director Evans spoke to the following:

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

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

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

Director Evans reported the following for St. Lucie:

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

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

Public Comment

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

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

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

For informational purposes.

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

Mr. Cuyler spoke to the following:

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

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

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

Public Comment

None

The motion carried.

Continued discussion regarding Planning Department fees

Mayor Ruane spoke to the following:

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

Ms. Zimomra to the following:

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

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

Ms. Zimomra reiterated the items requested by City Council:

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

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

Public Comment

None

The motion carried.

Continued discussion regarding City Council Goals

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

Sustain the strength of the City's financial stability

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

Water Quality/Water Quantity

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

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

Local (Sanibel & Lee County)

5 bullets

Regional (Charlotte, Collier, Glades & Henry)

5 bullets

Global (State & Federal)
State Agriculture bills
WRDA

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

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

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

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

Public Comment
None

The motion carried

CITY MANAGER

Informational Items

This item, i, has been withdrawn by staff

City Financial Reports

Third Quarter General Fund Financial Report

Third Quarter Sewer Fund Financial Report

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

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

Departmental Reports

Grease Trap Report

Planning Department Permit Activity Report

Planning Department Code Enforcement Activity Report

Building Department Monthly Revenue

Building Department Monthly Permitting Report

Administrative Departmental Reports

Status of Capital Projects

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

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

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

Council agreed.

PUBLIC COMMENT

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

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

Respectfully submitted by.

Pamela Smith, MMC
City Clerk

**SANIBEL CITY COUNCIL MEETING
FINAL BUDGET HEARING
TUESDAY, SEPTEMBER 17, 2013**

Mayor Ruane called the meeting to order at 5:01 p.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 Denham moved, seconded by Councilman Harrity, to excuse Councilman Jennings.

The motion carried.

City Manager and Finance Director's Memorandum and Update of changes in the Draft Budget

Ms. Zimomra spoke to the following:

- Further direction for goals
- Final directions to sewer rates
- Provided a tentative budget
- Provided the mandatory
- 2.0861 mils
- Reviewed other decreases
 - 50% reduction in building fees
 - Reduction in solid waste fees
 - Reduced 1.5% of sewer and reclaimed water

Mayor Ruane noted that Council directed staff to pay down \$1.27 million in pension liability and begin tracking planning fees.

Public Comment

Steve Maxwell spoke to his concerns of 1) page 181 FY 2013/14 personnel budget departmental salary summary and this being an aggregate; would like to see a breakdown of an employee payroll schedule; and 2) include 4 quarters of planning permits. He also spoke any auto and housing allowance should be segregated within the budget document. He further spoke to breaking down legal spending and the number of lawsuits.

Ms. Zimomra noted that all compensation to herself and the City Attorney was reported to the IRD.

David Bath spoke to a question for the need to update audio/video for City Council. He further spoke to no mention of video streaming in the memo prepared by the City Clerk. He shared his research from other municipalities relative to video streaming and searchable by agenda items.

Ms. Zimomra spoke to the following:

- City web hits over 9,000
- At Council's direction 5 potential vendor were required to provide audio/video streaming
- Reviewed software with the criteria to streamline City operations; audio today and add video streaming at a later time
- Significant cost for video versus audio
- Need to perform more analysis for video streaming
- Cost may increase staff costs with video streaming

Discussion ensued regarding emails from Barbara Cooley and Vice Mayor Congress, everything could be accomplished with the proposal with the exception of seeing City Council on line, purchase software that would allow for implementation of audio and maybe go with video at a later date and audio would be live.

Roy Gibson thank Council for hearing his comments.

Public Hearing and adoption of RESOLUTION 13-085 ADOPTING THE FINAL OPERATING AND VOTED DEBT SERVICE AD VALOREM MILLAGE RATES FOR TAX YEAR 2013 FOR THE CITY OF SANIBEL, FLORIDA

Ms. Zimomra read the title Resolution 13-085.

Mayor Ruane moved, seconded by Vice Mayor Congress, to adopt Resolution 13-085 filling in the blanks with 2.0861 mills at 5:56 p.m.

Public Comment
None

The motion carried.

Public Hearing and adoption of RESOLUTION 13-086 ADOPTING THE FINAL BUDGET FOR FISCAL YEAR 2013-2014 FOR THE CITY OF SANIBEL, FLORIDA; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title Resolution 13-086.

Mayor Ruane moved, seconded by Councilman Denham, to adopt Resolution 13-086 and fill in the blanks with \$45,692,722 at 5:27 p.m.

Public Comment
None

The motion carried.

There being no further business the meeting was adjourned at 5:29 p.m.

Respectfully submitted by,

Pamela Smith, MMC
City Clerk