

**SANIBEL CITY COUNCIL REGULAR MEETING
TUESDAY, DECEMBER 03, 2013**

Mayor Ruane called the meeting to order at

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)

BikeWalkLee's 2013 Complete Streets Champion of the Year: Presented to Sanibel City Council, Staff and Sanibel Bicycle Club

Darla Letourneau presented the above-mentioned award to City Council, staff and the Sanibel Bike Club. .

Proclamation to the Zonta Club of Sanibel-Captiva to recognize the extension of the core mission of Zonta International to include calling for an end to Violence Against Women

Mayor Ruane read and presented the proclamation to Sue Denham representing Zonta.

Recognition of Sanibel Resident Eagle Scout Kenny DiBiase for receiving the William Hornaday Award for his Water Quality Protection and Educations Projects

Mayor Ruane recognized Eagle Scout Kenny DiBiase for receiving the above noted award.

Recognition of Jai Earle, Jaclyn Walsh, Shanna Clark, Scotty Lynn Kelly and Marina Dowling, Recreation Department, upon receiving a certificate from the Tourist Development Council (TDC) for completion and passing the AHLA Educational Institute's Certified Guest Service Professional (CGSP) exam after their completion of the Guests First program

Mayor Ruane recognized the above-mentioned Recreation Department employees for their completion of the AHLA Educational Institute's Certified Guest Service Professional exam.

Proclamation recognizing City Employee Lance Luna for 25 years service to the City of Sanibel and citizens

Mayor Ruane recognized Lance Luna for 25-years of service to the City of Sanibel and citizens.

Employee of the Year

Mayor Ruane announced that Natalia Maddix was voted the Employee of the Year by her peers.

Council recessed at 9:24 a.m.

Council reconvened at 9:30 a.m.

Presentation on Phase 1 of the Sanibel Comprehensive Nutrient Management Plan, SCCF Marine Laboratory

James Evans, Natural Resources Director spoke to this project working in concert with City Council goals.

Mark Thompson, SCCF Biologist gave a brief PowerPoint presentation.

Planning Commission Report

Roy Gibson, Acting Planning Director gave the following Planning Commission report: for November 12, 2013

- Continuation of public hearing for an application of a variance, conditional use and development permit for a new 24 seat restaurant at Periwinkle Place, which was approved
- Discussion of commercial redevelopment
- December 24, 2013 meeting cancelled

Public Comments

Shane Spring, Sanibel Board of Realtors spoke to the Biggert Waters legislation.

Faye Conarey spoke to the Civic Core plan article in the paper and against the plan.

Sonja Smith, CASI spoke to the Verizon cell tower.

Claudia Burns spoke to Council wearing white shirts.

Dan Hancock, Periwinkle Pines Home Owners Association spoke against the Civic Core.

Council Comments

Councilman Harrity offered Merry Christmas.

Councilman Denham and Councilman Jennings offered the same.

Mayor Ruane spoke to meeting with representatives of Periwinkle Pines and there was only a concept. He further spoke to Council's discussions in open meeting and stakeholder meeting to develop a public/private partnership. He also stated if a plan were developed there would be a need for a referendum.

Discussion ensued regarding facilitating civic core plan, similar to the Recreation Center process, process thus far was to get stakeholders together for a definitive plan, Mayor Ruane invited any member of the public to attend without dialogue, Mr. Cuyler noted that Council could attend the Civic Core stakeholders meeting without dialogue and there being a national association for consulting of the civic core and more conversation.

First Reading of an ordinance and scheduling of public hearing

ORDINANCE 13-009 AMENDING CHAPTER 66 OF THE SANIBEL CODE OF ORDINANCES ENTITLED "TRAFFIC", ARTICLE II, "PARKING, STOPPING AND STANDING", DIVISION 1 - "GENERALLY" IN ORDER TO PROVIDE A PROHIBITION OF THE PARKING, STOPPING OR STANDING OF ANY BUS (OTHER THAN A SCHOOL BUS), VAN OR OTHER MOTOR VEHICLE ON ANY PUBLIC STREET OR ROAD OR WITHIN ANY PUBLIC STREET OR ROAD RIGHT-OF-WAY FOR PURPOSES OF ALLOWING OR PERMITTING PASSENGERS TO EXIT OR ENTER THE VEHICLE; AMENDING DIVISION 2 - "BEACH AREA PARKING RESTRICTIONS", SECTION 66-101 "PROHIBITION AND PENALTIES", BY ADDING A NEW SUBSECTION (a)(11) TO PROVIDE THAT IT IS PROHIBITED TO PARK, STOP OR STAND ANY BUS, VAN OR OTHER PASSENGER VEHICLE WITH A SEATING CAPACITY OF 10 OR MORE PASSENGERS IN ANY CITY OF SANIBEL OWNED OR MANAGED BEACH PARKING LOT FOR THE PURPOSE OF DISCHARGING OR PICKING UP PASSENGERS UNLESS THERE EXISTS A LAWFUL AND AUTHORIZED PARKING SPACE IN SUCH BEACH PARKING LOT AND THE BUS, VAN OR OTHER PASSENGER VEHICLE IS PARKED IN SUCH SPACE AND THE

APPLICABLE PARKING FEE IS PAID; PROVIDING EXCEPTIONS; AMENDING THE PENALTY PROVISIONS IN SECTION 66-37 AND SECTION 66-101; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 13-009.

City Council set the Second Reading and Public Hearing for Tuesday, January 07, 2013 at 9:15 a.m.

Second Reading and Public Hearing

ORDINANCE 13-010 AMENDING THE SANIBEL CODE OF ORDINANCES, AMENDING SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 82 ADMINISTRATION, ARTICLE III PLANNING COMMISSION, DIVISION 3., SPECIFIC AUTHORITY, SUBDIVISION VII. AMENDMENTS, SECTION 82-241 - AMENDMENTS TO LAND DEVELOPMENT CODE OR ZONING DISTRICT BOUNDARIES, BY DENOTING EXISTING CONTENT AS SUBSECTION (a) AND ADDING A NEW SUBSECTION (b) WITH SUB-SUBSECTIONS (1) PURPOSE; (2) PROCEDURES; AND (3) FINDINGS TO ESTABLISH A PROCESS FOR CONSIDERING NEW PERMITTED AND CONDITIONAL COMMERCIAL USES WHEN THEY ARE FOUND TO BE SIMILAR TO AN EXISTING PERMITTED OR CONDITIONAL COMMERCIAL USE THAT IS LISTED; AND AMENDING SEC. 90-368.APPLICATION TO AMEND TEXT OF LAND DEVELOPMENT CODE; ALLOWING FOR INITIAL APPLICATION FEES TO BE WAIVED FOR AN AMENDMENT TO CHAPTER 126 ZONING, ARTICLE VIII COMMERCIAL DISTRICTS, DIVISION 2, LIST OF PERMITTED USES AND CONDITIONAL USES; AND AMENDING CHAPTER 126 ZONING, ARTICLE VIII COMMERCIAL DISTRICTS, DIVISION 2, GC GENERAL COMMERCIAL DISTRICT, SEC. 126-491.PERMITTED USE; ADDING ADDITIONAL USES TO THE LIST; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

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

Roy Gibson, Acting Planning Director spoke to the following:

- Planning Commission reviewed existing permitted uses consistent with Council's redevelopment goals
- New permitted uses – home inspections services, dance and fine arts studio and office sharing
- Process for applicants to request of additional new uses or conditional permits, to Planning Commission, to City Council with two readings of an ordinance for amendment
- Planning Commission and City Council could be considered concurrently
- Initial application made application fee waived
- Staff provided a flow chart outlining existing process

Mr. Cuyler noted that there would be two public hearings and read the current language in 2b: "application: application for amendment to the LDC is required. Application shall be made to the City Manager or the manager's designee on a form prescribed." Mr. Cuyler noted that the City Manager's designee was the Planning Director and requested the following language be included after City Manager "... application to be considered to the Planning Commission shall be made to the City Manager."

Vice Mayor Congress moved, seconded by Mayor Ruane, to adopt Ordinance 13-010, with amendment as stated above.

Public Comment

None

The motion carried.

CONSENT AGENDA

- b. **RESOLUTION 13-093 APPROVING THE INVESTMENT POLICY STATEMENT ADOPTED BY THE BOARD OF TRUSTEES OF THE CITY OF SANIBEL GENERAL EMPLOYEES' RETIREMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE**
- c. **RESOLUTION 13-101 APPROVING THE INVESTMENT POLICY STATEMENT ADOPTED BY THE BOARD OF TRUSTEES OF THE CITY OF SANIBEL MUNICIPAL POLICE OFFICERS' RETIREMENT SYSTEM; AND PROVIDING FOR AN EFFECTIVE DATE**
- f. **RESOLUTION 13-102 AMENDING CITY OF SANIBEL RESOLUTION 13-054, WHICH APPROVED A SOLID WASTE RATE STRUCTURE FOR FISCAL YEAR 2013-2014 AND APPROVED A SOLID WASTE FRANCHISE FEE AND A SOLID WASTE DISPOSAL SURCHARGE; AMENDING SUCH RESOLUTION TO ADOPT AN AMENDED SOLID WASTE RATE STRUCTURE TO ACCOUNT FOR NOTICE FROM LEE COUNTY THAT THE VEGETATIVE OR HORTICULTURAL WASTE DISPOSAL FEE FOR BUSINESS AND COMMERCIAL ENTITIES IS NOW \$23.00 PER TON RATHER THAN \$22.00 PER TON; CONFIRMING THAT SUCH RATE STRUCTURE STILL RESULTS IN APPROXIMATELY A 0.4% DECREASE IN COMMERCIAL CURBSIDE RATES AND A 1.4% DECREASE IN DUMPSTER RATES AS ORIGINALLY ADOPTED; AND PROVIDING AN EFFECTIVE DATE**
- g. **RESOLUTION 13-105 AMENDING THE PERSONNEL AUTHORIZATIONS FOR FISCAL YEAR 2013-2014 FOR NATURAL RESOURCES DEPARTMENT, PLANNING DEPARTMENT AND THE LEGISLATIVE DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE AND RESOLUTION 13-106 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2013-006 AND PROVIDING AN EFFECTIVE DATE** (To appropriate funds related to Resolution 13-105 amending the personnel authorizations for FY2014 for the Natural Resources, Planning and Legislative departments. The amendment does not increase the FY2014 budget)

Ms. Zimomra read the titles of the above-mentioned resolutions.

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

Public Comment

None

The motion carried.

- a. Approval of minutes – September 07, 2013 First Budget Hearing and November 05, 2013 Regular Meeting

- d. Approval of an agreement between the City of Sanibel and Sanibel Flag Football League, Inc., flag football program: December 15, 2013 to March 01, 2014 and authorize the City Manager to execute same
- e. Approval of City Council revised liaison list
Mayor Ruane moved, seconded by Councilman Denham, to approve the above-mention Consent Agenda items.

Public Comment
None

The motion carried.

OLD BUSINESS

Water Quality Issues

Director Evans, Natural Resources Director gave a brief report regarding Lake Okeechobee releases.

Final Senate Select Committee Report

<http://www.flsenate.gov/usercontent/topics/irlllob/finalreport.pdf>

Mayor Ruane noted the above link was provided for the completed Senate Select Committee. He further spoke to the continuation of work with partners and work to be done on the LORS document (policy to release water from Lake Okeechobee).

Letter dated November 01, 2013 from Dan O'Keefe, Chairman South Florida Water Management District (SFWMD) regarding Lake Okeechobee releases

Letter dated November 04, 2013 from Mike Nussman, President and CEO and Gordon Robertson, Vice President of the American Sportfishing Association

Mayor mentioned letters in the agenda packet.

Meeting with U.S. Congressman Diaz-Balart, Appropriations Committee

Mayor Ruane spoke to the above-mentioned meeting.

Discussion ensued regarding LORS policy and Director Evans spoke to concern of opening the complete LORS policy and support.

Continued discussion regarding Planning Department fees

September 17, 2013 memorandum regarding City Council inquiries

History of fees

Municipal comparisons

Discussion ensued regarding Planning Department unique responsibilities, consideration of special projects, costs were indicative of the community and should be born by all taxpayers, analyze planning fees and department, assess hiring a consultant or reviewing fees internally, separate fees and revenue generated, review two quarters to see revenue and expenses, should one Councilmember spearhead the project, Vice Mayor Congress offered his services, previous discussion of any change being retroactive, possible adjustment, 44% of department cost was not supported by fee structure,

Councilman Harrity moved, seconded by Mayor Ruane, to appoint Vice Mayor Congress to a special project of reviewing Planning fees.

Councilman Harrity amended his motion to add a withdrawal of the retroactive component. Mayor Ruane agreed.

Public Comment
None

The motion carried.

Ms. Zimomra spoke to the indirect cost not applied because the Planning Department was subsidized by the general fund.

**COMMITTEE BOARDS COMMISSION
RESOLUTION 13-103 APPOINTING MEMBERS TO THE SANIBEL PLANNING
COMMISSION; AND PROVIDING AN EFFECTIVE DATE**

Public Comment

Barbara Cooley, COTI spoke to opposition of not advertising for planning commission applicants when terms were expiring.

Gloria Hannan agreed with the above comments.

Discussion ensued regarding the need for advertising, previous discussion to appoint with more for consistency.

Councilman Harrity moved, seconded by Councilman Denham, to advertise for the three Planning Commission terms expiring January 14, 2014 and appoint January 07, 2014.

Gloria Hannan spoke to appointing members at the February City Council meeting.

The motion carried.

**RESOLUTION 13-104 APPOINTING MEMBERS TO THE SANIBEL VEGETATION
COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 13-104.

Councilman Jennings mentioned speaking to each applicants and recommendation to appoint all applicants.

Councilman Jennings moved, seconded by Councilman Denham, to adopt Resolution 13-104 and fill in the blanks as follows:

Full-time members:	Adjunct members due to part-time status
Chuck Papier	John McLennan
Anita Polling	Ruth Brooks
Rick Rainier	
Robert White	

Public Comment

None

The motion carried.

CITY MANAGER

Informational Items

Departmental Reports

Building Department Monthly Revenue Report

Building Department Monthly Permit and Inspections

Planning Department Permit Activity Report

Planning Department Code Enforcement Activity

Grease Trap Report

Status of Capital Improvement Projects

Administrative Departmental Reports

Recreation Center Membership and Revenue Report

Ms. Zimomra spoke to the reports enclosed in the packet.

City Financial Report

City of Sanibel Quarterly report for period ending September 30, 2013

City of Sanibel Sewer Fund Quarterly report for period ending September 30, 2013

City of Sanibel Treasury Investment Performance Report for Quarter Ending September 30, 2013 by Burgess Chambers and Associates

City of Sanibel Investment Report for Quarter Ending September 30, 2013 by Integrity Fixed Income Management, LLC

Ms. Zimomra noted the above were year-end reports.

Agenda for the December 03, 2014 Lee County Legislative Delegation meeting held at Edison State College

Advertising for vacant seats on the Metropolitan Planning Organization Citizen

Advisory Committee (CAC) and the Traffic Management and Operations Committee

Appointment to the Lee County Selection Committee as named by Sanibel City Council

Ms. Zimomra noted the names of persons to be appointed for the Lee County Select Committee were Directors Evans and Williams and David Liccardi, Senior Project Manager, City of Bonita Springs. She further stated that staff would be advertising for the MPO committees.

Comment

None

The motion carried with Councilman Jennings out of the room.

Presentation and approval of the report regarding Other Post Employee Benefit Liabilities and assumption changes

Doug Lozen and John Barts gave a brief presentation.

Mayor Ruane moved, seconded by Vice Mayor Congress, to accept assumptions as proposed and as was currently being handled.

Public Comment

None

The motion carried

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Attendance at the Florida League of Cities Conference November 20-22, 2013

Mayor Ruane spoke to his and Councilman Denham's attendance.

Letter dated November 12, 2013 to Commissioner Pendergrass, Chairman Lee County Board of Commissioners regarding Sunpass system and current toll system

Mayor Ruane spoke to the above letter sent to then Chairman Pendergrass.

Vice Mayor Congress spoke to the following:

- Pension annual return 12.8%
- Assumed return rate 6.75%
- Four-year average 9.9%
- School Tot lot and a three-way Interlocal agreement with School district and Lee County
- School Board refused to participate monetarily in the amount of \$4,400

PUBLIC COMMENT

None

There being no further business the meeting adjourned at 12:15 p.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk