

**SANIBEL CITY COUNCIL REGULAR MEETING  
TUESDAY, MARCH 04, 2014**

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

Councilman Harrity 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)**

**Proclamation recognizing Sandy Larsen for 25 years of service to the City and its citizens**

Mayor Ruane read and presented a proclamation to Sandy Larsen for 25 years of service to the City.

**Proclamation recognizing Jennifer Wilson, Dispatcher, upon her retirement from full-time employment**

Mayor Ruane read and presented a proclamation to Jennifer Wilson upon her retirement from full-time service to the City.

**Proclamation recognizing the Sanibel-Captiva Sail and Power Squadron on the 100<sup>th</sup> Anniversary of the National Power Squadron**

Mayor Ruane read and presented a proclamation to Sanibel-Captiva Power Squadron recognizing the 100<sup>th</sup> anniversary of the National Power Squadron.

**Proclamation recognizing the City of Sanibel for 25 years as a tree city and the involvement of the Vegetation Committee members**

**Letter dated January 03, 2014 congratulating the City upon earning the 2013 Tree City USA recognition**

Mayor Ruane asked the Vegetation Committee member that was present to come forward. He read and presented the proclamation.

**Community Housing Resources Audit presentation by Richard Johnson, Board President**

Richard Johnson, Community Housing Resources (CHR) Board President and Kelly Collini, CHR Executive Director gave a brief overview of the above-mentioned report.

Council as a whole thanked the CHR Mr. Johnson and Ms. Collini.

**Planning Commission Report**

Chairman Mike Valiquette gave the following report:

- 1418 Bluecrab Court application for a new single-family dwelling and approved
- One-year review of the Community Church parking with no issues
- Interconnectivity presentation and discussion

**Public Comments**

Claudia Burns thanked Council for working with the Lee County Supervisor of Elections to have three precincts.

Herb Hoover spoke to traffic in the Dunes.

Mike Cali spoke to the traffic study, bike accidents and why gas prices were not posted.

John Winter spoke help in reducing the number of cares through the Dunes.

Hazel Schuller spoke to submitting an application as Distinguished Entrepreneur. She further spoke to an award to Richard Johnson and implementing the Founders Day Award. She presented an award to Barbara Cooley on behalf of COTI.

Karen Storijohan spoke to an article of a coalition involved with the Great Lakes and Canada. She asked that Consent Agenda items (j) and (k) be pulled.

### **Council Comments**

Mayor Ruane spoke to an exploratory meeting with Captiva residents to provide sewer to Captiva.

Councilman Jennings recognized former Councilman Peter Pappas. He thanked Hazel for her comments. He noted the new cell tower was up. He announced that a congressional candidate would be in room 4 at the Sanibel Library on Saturday.

Vice Mayor Congress noted that the Legislation Session began today.

Councilman Denham spoke to participating on the state legislative conference call this past Monday.

Councilman Harrity spoke to having employees that have worked for the City 25 and 32 years respectively.

Continuation of Second Reading and 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**

**PowerPoint presentation to be presented by City staff at meeting**

Ms. Zimomra read the title of Ordinance 13-009. She further spoke to Council's direction of the following:

- Evaluate two locations for bus parking
- Recommendation from community at Bowman's and Trost parking lots
- Evaluated Lighthouse Beach

Keith Williams gave a brief PowerPoint presentation.

Discussion ensued regarding 1) reverting back to the original ordinance that does not provide parking; 2) working with City partners to allow parking for buses; 3) ordinance need modification; how many buses; Ms. Zimomra noted that the Causeway counts were by axle, staff could get bus counts, need alternative and what were other options, Lighthouse Beach was the principle destination, 20/20/transportation plan and the size of the bus, how many people on tour, find a place for bus parking, bus parking and bus drop off area two different situations, red bus parked on Causeway Island in the morning and still there upon returning late afternoon and see how many buses come to Sanibel and the frequency.

#### Public Comment

Sonja Smith asked about restriction of parking in a designated residential or parking zone between 7:00 a.m. and 8:00 p.m. and 6:00 a.m. to 9:00 p.m.

Mr. Cuyler answered that the above mentioned was currently in the code.

Hazel Schuller spoke to exempting vehicles of 20 passengers or more and may be invading neighborhoods and beach overcrowding. She further spoke to setbacks and a concern of overcrowding of day trippers.

Herb Hoover asked if there were any requirements that bus parking be provided. He mentioned that there was a bus service for Fort Myers Beach and was there anything similar for Sanibel. Mayor Ruane answered that there was not.

Wayne Ponader spoke to the need for more information. He explained that Council became aware several months ago and continue to come while Council works to make a decision and was a public safety problem.

Chris Heidrick spoke to buses not being alike and the need for legislation to find an answer and control over the problem.

Claudia Burns spoke to sensing a reluctance of not being friendly and recognize the environmental impact. She suggested requiring a bus permit.

Bob Spent spoke to concerned about bus parking safety, but no concern of buses pulling into parking lots, and many more buses would come if there was legislation. He asked if there was no parking space allowed what would the bus do. Excluding buses from parking on the street and in parking lots.

Peter Pappas spoke to people believing bus traffic would improve the economic climate on Sanibel.

Karen Storijohan spoke a second time that buses were coming from the Road Scholarship, and different from a bus picking-up people at a various hotels. The red bus only drops people off to go to the beach and could aphorize the use of a sticker.

Bob Holder asked Mr. Cuyler did not provide any bus parking and was there a possible legal challenge. He stated that the purpose of a parking was to pay for the maintenance and the City had justification and the reason for smaller buses could possible park in parking lots. If ordinance adopted with parking spaces could become bus stops.

Mr. Cuyler noted the bus ordinance was not beach sustainability, but for public safety.

Mayor Ruane spoke to the following:

- First reading that did not provide parking, but provided penalty
- What was the impact and what was the return
- Consultant working for City in specific places, time and days
- Come back to City Council

Discussion ensued regarding no evidence that bus coming for the purpose of people coming to the beach, and what do people on the bus coming for, bus parking area.

Mayor Ruane moved, seconded by Councilman Denham, to direct staff to perform a bus survey for 30 days, measure every day with a report to come back to City Council in April.

Vice Mayor Congress recommended amending the motion to perform the survey through Easter.

Mr. Cuyler advised that there was no legal requirement for a continuance, except for re-notice.

Mayor Ruane agreed with the amendment.

The City Clerk noted that the continuation of the second reading and second reading would be on May 06 at 9:15 a.m.

Mayor Ruane moved, seconded by Councilman Harrity, to amend the motion to direct staff to perform a bus survey for 60 days, measure every day and re-advertise the continuation of public hearing until May 06 at 0915.

Larry Schopp spoke to not correcting a current dire problem, but a problem that could emerge.

The motion carried

Council recessed at 10:55 a.m.

Council reconvened at 11:06 a.m.

## **CONSENT AGENDA**

Ms. Stori Johan asked that items (j) and (k). Councilman Denham (g) and (h)

- g. **RESOLUTION 14-020 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-022 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$426,750 for consultant to study peak season traffic counts at specific areas in the City. This amendment does not increase the FY2014 budget)

Ms. Zimomra read the title of Resolution 14-020.

Discussion ensued regarding

Public Comment

None

Councilman Denham moved, seconded by Mayor Ruane, to adopt Resolution 14-020.

Discussion ensued regarding amending the contract for a 3-year contract.

Vice Mayor Congress amended the motion, seconded by Councilman Denham, to adopt Resolution 14-020 and direct staff to consider a three-year contract with a two and three year pricing with the flexibility for cost savings.

The motion carried.

- h. **RESOLUTION 14-021 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-022 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$39,795 for consultant for the Dunes traffic count analysis. This amendment does not increase the FY2014 budget)

Ms. Zimomra read the title of Resolution 14-021. She explained the following:

- Area specific traffic study

- 2014 design for the Dunes neighborhood
- Paving in 2015

Public Comment  
None

Discussion ensued regarding Dunes embracing the study, City Manager stated the only way to lower a speed limit by statute was to perform a traffic study, staff met with Board of Directors, which were enthusiastic regarding the study, reason for study to be rushed, should step back, repaving the Dunes next summer, and could involve modifying roads for traffic concerns, more sense to hear from community at the associational meeting, lose a year if study delayed, City Manager noted to the Board there would be two parts; actual data and reviewing a menu of options, were traffic consultants line up to begin work, look at traffic, traffic speed, multi-modal transportation, volume counts and Director Williams answered the consultants would be ready to immediately begin data collection, reviewing traffic speed, volume counts, Dixie Beach, Albatross and license plate matches of vehicles entering and exiting, speed analysis on Sand Castle and review of flow patterns, Mr. Cuyler noted that prices were not being reduced and was there a majority of residents concern and this was an on-going issue.

Councilman Harrity moved, seconded by Congress, to adopt Resolution 14-021.

Public Comment  
None

The motion carried.

- j. **RESOLUTION 14-009 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-020 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate a \$20,402 amendment to the grant agreement with the Lee County Department of Human Services to complete installation of an ADA accessible boardwalk located at Pond Apple Park. This amendment increases the FY14 budget by \$20,402)

Ms. Zimomra read the title of Resolution 14-009.

Ms. Storijohan spoke to her concern of signage at the entrance of the walkway and may need educational information

Mr. Williams noted that there were 8 educational alligator signs

Director Evans spoke to the kiosk entering Pond Apple Park trail regarding entering an alligator habitat and alligator warning signs at each reclaimed water ponds, boardwalk and other areas.

Vice Mayor Congress moved, seconded by Mayor Ruane, to adopt Resolution 14-009.

Public Comment  
None

The motion carried.

- k. **RESOLUTION 14-025 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-021 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate funds to cover the cost of two change orders and signage needed for the construction of the ADA boardwalk at Pond Apple Park in the amount of \$8,000. This amendment does not increase the FY14 budget)

Ms. Zimomra read the titles of Resolution 14-025.

Mayor Ruane moved, seconded by Councilman Harrity, to adopt Resolution 14-025.

Public Comment

None

The motion carried.

- d. **RESOLUTION 14-017 REORGANIZING THE PUBLIC WORKS DEPARTMENT; AMENDING THE CLASSIFICATION PLAN AND MANPOWER AUTHORIZATION FOR FISCAL YEAR 2013-2014; ADOPTING NEW AND REVISED JOB DESCRIPTIONS FOR THE PUBLIC WORKS DEPARTMENT; AND PROVIDING AN EFFECTIVE DATE**  
AND  
**RESOLUTION 14-018 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-018 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate funds for the addition of a Tradesworker (pay grade 17) in the Beach Parking Fund. This amendment does not increase the FY14 budget)
- e. **RESOLUTION 14-019 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-017 AND PROVIDING AN EFFECTIVE DATE** (To appropriate funds for a pay equity increase in the information Technology department as a result of a job and pay audit. This amendment does not increase the FY14 budget)
- l. Acceptance of a grant agreement with the Florida Department of Law Enforcement (FDLE) for a grant in the amount of \$1,799 and authorize Mayor Ruane to execute  
AND  
**RESOLUTION 14-023 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-013 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate grant from the Florida Department of Law Enforcement for capital purchase. This amendment increases the FY14 budget by \$1,799)
- m. Acceptance of a grant agreement with the Florida Department of Law Enforcement (FDLE) for a grant in the amount of \$1,000 and authorize Mayor Ruane to execute  
AND  
**RESOLUTION 14-024 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-019 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate grant from Florida Department of Law Enforcement for capital purchase. This amendment increases the FY14 budget by \$1,000)

Ms. Zimomra read the titles of the above legislation.

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

Public Comment

None

The motion carried.

- a. Approval of minutes – February 04, 2014
- b. Approval of the second of two one-year extensions (November 01, 2014 to April 30, 2015) for the agreement with Local Roots, LLC to continue to operate the Farmers Market at the rear of City Hall, 800 Dunlop Road

c. Approval of an agreement between the City and Sanibel Babe Ruth League, Inc. and authorize the City Manager to execute same

Mayor Ruane moved, seconded by Councilman Harrity, to approve the above-mentioned Consent Agenda items.

Public Comment

None

The motion carried.

## **OLD BUSINESS**

### **Civic Core Update**

#### **Coverage and Density Analysis**

#### **Periwinkle Pines Homeowners Association follow-up**

#### **Next Steps**

Mayor Ruane spoke to the following:

- Several non-profit communication for expansion of building
- Held stakeholder meetings
- Issue of coverage for condos and adopted buildback legislation
- Issue of parking and need to quantify

Henry Woodroffe gave a brief PowerPoint presentation.

Discussion ensued regarding many non-profits were non-conforming and could be achieved with proposed plan, met with Periwinkle Pines Homeowners Association, B.I.G. Arts, Sanibel Community Association (SCA) and understood issues, number of entities with everyone trying to understand and overall theme, could reduce Periwinkle Way traffic, resident input indispensable, addressed 8 of 9 items for Periwinkle Pines, Council had not adopted the proposed plan, talk about costs, was there enough land for plan, if every entity needed to find enough land, they would not be able to, need to digest information, consensus closer to conformity, address parking in plan, progress report and understand density and intensity, address the continue revelation, Periwinkle Pines essential to growth, individuality cannot accomplish anything, better parking and the need to quantify parking.

Public Comment

Karen Storijohan spoke to parking and placement of buildings.

Ms. Zimomra noted that there was new parking, west of the green area was parking and the green area was highly desired.

Sonja Smith spoke to the current land use and current acreage 59.2 and proposed 57 acres.

Mr. Woodroffe answered changing from impervious acres by 7.5 to 16.4 and Mr. Woodroffe noted that the increase was to encourage and maximize use.

Director Jordan spoke to impervious coverage:

- Proposed site for all improvements
- Impervious area means coverage
- Parking considered developed

Ralph Clark spoke to the developed area.

Larry Schopp asked what areas would come forward for a referendum.

Barbara Cooley asked what were when Eco zones and the about or coverage and figures in compliances and Director Jordan noted the figures were compliant.

Ed Hancock thanked Mayor Ruane for a meeting and noted a list of 9 points brought the meeting and 8 points were included. He further stated that the #1 issue was not closing Dunlop Road.

Ralph Clark spoke a second time regarding the adoption of the plan or the possibility to move the conversation to public/private partnerships.

Discussion continued with the need to quantify cost, coverage, referendum options and City Council blessing to refine, looking a private/public partnership, coverage, cost, and allow Mayor to develop, need to identify grants, continue to follow-up and move forward, like to accommodate 300 people, Mr. Woodroffe spoke to opportunity and included footprints, would have a relationship diagram at next step for City Council and possible a workshop.

Mr. Cuyler advised that stakeholders meetings were not noticed.

Jane Holder spoke to three non-profits that need more space and why would the City re-design town owned space.

Mayor Ruane explained the following:

- Sanibel code had always had a town center
- Referendum item
- Challenge was to provide consensus
- Previous discussions for land purchase and redevelopment would improve quality of life with increased property values

Ms. Zimomra spoke to the following:

- City-owned land that the Historical Village, B.I.G. Arts and Library sits on
- Senior Center need building improvements and additional parking
- City had history of partnership with entities involved

Peter Pappas spoke to investing more into the rental structure and trying to prevent the reversal of gentrification on Sanibel. He further stated having geographic limitation and want a limitation of development.

Don Rice, President of B.I.G. Arts Board spoke positively of the conceptual plan.

Tom Sharbaugh, SCA noted the history of the Community House and working with the City.

Councilman Denham moved, seconded by Vice Mayor Congress, to continue a workshop environment.

Mayor Ruane offered an amendment to include address coverage, cost estimates, structure and referendum.

Councilman Denham and Vice Mayor Congress agreed with the amendment.

Public Comment

None

The motion carried.

## **Water Quality Issues**

**Report regarding Sayfie Review on Florida Water Issues with Senator Negrón and Speaker-Designate Steve Crisafulli**

**Report regarding South Florida Water Management District (SFWMD) meeting, Thursday, February 13<sup>th</sup> (Mayor Ruane)**

**Unexecuted letter to South Florida Water Management District (SFWMD) regarding Lake Okeechobee releases**

**Meeting with Commissioner Hamman Monday, February 24<sup>th</sup>**

**Upcoming March trip to Washington, D.C. relative to water quality issues**

Director James Evans can a brief report regarding Lake O elevation and adaptive process.

Mayor Ruane gave a brief update of the items mentioned-above.

**Report on creative meeting Citizens Fertilizer Education Program February 14, 2014**

**Report on meetings with Jennifer Carpenter, Program Administrator of the Florida Department of Environmental Protection to discuss current efforts in nutrient reduction and Doug Mauer, septic systems**

**Resolution 14-016 (WRDA) regarding House Bill 703 forwarded to Southwest Florida League of Cities members**

Councilman Denham gave a brief report.

## **CITY MANAGER**

**Informational Items**

**Departmental Reports**

**Building Department**

**Building Department Monthly Revenue Report**

**Building Department Monthly Permit and Inspections**

**Planning Department**

**Planning Department Permit Activity Report**

**Planning Department Code Enforcement Activity Report**

**Status of Planning Department Project Priority List**

**Public Works Department**

**Grease Trap Report**

**Status of Capital Improvement Projects**

**Administrative Departmental Reports**

**Recreation Membership and Revenue Report**

**Press Release invitation to with Public Works staff and Bean Whitaker, Lutz and Kareh, Inc. to discuss alternatives for traffic calming and pedestrian improvements for Atlanta Plaza Drive and Sanibel Highlands neighborhood**

**City Financial Reports**

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

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

**Pension Actuarial Reports**

**Foster and Foster Actuarial Report for the General Employee Pension Plan**

**Foster and Foster Actuarial Valuation as of October 01, 2013 for the Sanibel Municipal Police Officers' Retirement Trust Fund**

**Councilman Denham's appointment to the Florida League of Cities (FLC) 2014**

**Nominating Committee**

**Wireless Communication Update and legislative history**

Ms. Zimomra noted the power box was being dropped today.

## **Dark Sky Update and Beachfront Lighting Marine Turtle Protection and legislative history**

Councilman Denham the Sanibel School not abiding by the dark sky ordinance.

Ms. Zimomra noted that staff was reviewing ballfields.

Discussion ensued regarding should dark skies be sent to the Planning Commission for discussion, Vice Mayor Congress to take the task of the dark sky legislation and bring back at the April City Council meeting.

Councilman Jennings left at 1:30 p.m.

### **Public Comment**

Peter Pappas spoke to residents attending City Council meetings.

Sonja Smith spoke to dark sky compliance and the City Manager offering help.

### **CITY ATTORNEY'S REPORT**

Mr. Cuyler noted that once Verizon was operating AT&T may want to have a tri-party agreement and asked for a motion to authorize City Manager to execute.

Mayor Ruane moved, seconded by Councilman Denham, to direct the City Attorney to prepare the agreement and authorize the City Manager to execute.

Motion carried with Councilman Jennings left the room.

### **COUNCIL MEMBERS' REPORT**

**Report regarding trip to Washington, D.C. relative to Biggert Waters Flood Insurance  
Press Release regarding Washington, D.C. trip relative to the Biggert Waters Flood Insurance**

**Letter to House Majority Leader Eric Cantor dated February 19, 2014 from Lee County  
Chairman Kiker and Lee County Mayors**

Mayor Ruane spoke to the above.

### **PUBLIC COMMENT**

None

Respectfully submitted,

Pamela Smith, MMC  
Sanibel City Clerk