

**SANIBEL CITY COUNCIL REGULAR MEETING  
TUESDAY, APRIL 01, 2014**

Ken Cuyler, City Attorney 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.

**Election of Mayor and Oath of Office**

Mr. Cuyler explained the process and asked for Mayoral nominations.

Councilman nominated Kevin Ruane.

Councilman Harrity moved, seconded by Councilman Congress, to nominate Kevin Ruane as Mayor.

The motion carried.

Mayor Ruane was sworn in by the City Manager.

**Election of Vice Mayor and Oath of Office**

Mayor Ruane asked for Vice Mayor nominations.

Councilman Harrity nominated Councilman Congress.

Vice Mayor Congress was sworn in by the City Manager.

Councilman Harrity moved, seconded by Mayor Ruane, to nominated Councilman Congress as Vice Mayor.

Council recessed at 9:12 a.m. to take photographs.

Council reconvened at 9:18 a.m.

**Presentation(s)**

**Proclamation recognizing the month of April as Water Conservation Month**

Mayor Ruane read and presented the proclamation to Phil Flood on behalf of the Water District.

**Proclamation recognizing the Make-A-Wish Southern Florida for granting the wishes of children with life-threatening medical conditions**

Mayor Ruane read and presented the proclamation to Thomas Falciglia.

Chairman Mike Valiquette gave the Planning Commission Report as follows:

- Land Development Code subcommittee meeting

**Audit Presentation**

**Presentation by Martin Redovan, CliftonLarsonAllen, LLP regarding the conclusion of the FY2013 audit**

Marty Redovan and Rob Wellons gave a brief report.

Vice Mayor Congress moved, seconded by Councilman Denham, to accept the Audit Report.

Public Comment  
None

The motion carried.

### **Public Comments**

Hazel Schuller spoke to a possible nomination Director Williams for an award. She further spoke to the official City Maps and two items left out during decision which are the Coastal Construction Line and open space.

Claudia Burns spoke to consideration of requiring buses to have a permit to come to Sanibel and would contribute to Sanibel's economic basis.

Jane Buffle spoke to a visit from Code Enforcement. Ms. Zimomra suggested meeting with City staff.

### **Council Comment**

Councilman Jennings spoke to the election of Mayor and Vice Mayor. He further spoke to problems with loss of power and a possible electrical back-up plan.

Councilman Denham spoke to the ability to see the flag flying on the new telecommunication tower. He further spoke to HB 703 and amendments.

Ms. Zimomra noted that the tower was not activated yet and the City Manager now had the authority to execute the tri-partner lease.

Councilman Harrity spoke to the Mayor's mother in attendance at the meeting.

Mayor Ruane also spoke to his mother's visit. He mentioned he would be headed to Tallahassee after the meeting for a Florida League of Mayors Board meeting that has taken water quality as an issue.

### **CONSENT AGENDA**

Council asked to pull and discuss items (b), (n) and (o) of the Consent Agenda items.

- b. **RESOLUTION 14-036 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-027 AND PROVIDING AN EFFECTIVE DATE** (To roll-forward actual FY2013 ending fund balance (pursuant to audited financial statements) to FY2014 beginning fund balance for all funds. These amounts, which are more or (less) than the FY14 budget, are being appropriated to FY14 ending fund balance to provide increases or (decreases) in fund balances available to be carried forward to FY15. This amendment increases the FY14 budget by \$2,144,127; however, no new or additional funds are being appropriated with this budget amendment. The changes to the budgeted fund balance are as follows: 1) General Fund increased by \$360,795; 2) special revenue funds increased by \$385,865; 3) debt service funds decreased by \$16,085; 4) capital project funds increased by \$121,135; 5) sewer system increased by \$1,250,996 and; 6) beach parking fund increased by \$41,723)

Councilman Jennings noted that there was a surplus from last year, which was good to see that staff was good stewards.

Discussion ensued regarding Council, the City Manager and staff does not spend the complete adopted budget.

Mayor Ruane moved, seconded by Councilman Denham, to adopt Resolution 14-036.

Public Comment  
None

The motion carried.

n. Approval for a refund to the Sanibel Library for a water leak in the amount of \$4,800 on the next quarterly sewer bill

Councilman Denham asked that Ms. Zimomra create legislation to outline credits for only one year limiting the City's liability for future refunds.

Councilman Denham moved, seconded by Councilman Jennings, direct staff to bring back legislation for a credit of no more than one year.

Ms. Zimomra asked if this request would be for all utility customers and Councilman Denham answered yes.

Councilman Denham moved, seconded by Councilman Jennings, to direct staff to bring back legislation to outline sewer credits for one year.

Public Comment  
None

The motion carried

Councilman Harrity moved, seconded by Mayor Ruane, to approve the \$4,800 sewer credit to the Sanibel Library.

Vice Mayor Congress asked that since his spouse was a Library Board member should he vote.

Mr. Cuyler answered as long as it is an unpaid position Vice Mayor Congress could vote, but he could also recuse himself.

The motion carried with Vice Mayor Congress recusing himself.

o. **RESOLUTION 14-037 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-031 AND PROVIDING AN EFFECTIVE DATE** (To budget receipt of final FY13 surplus toll revenue from the Sanibel Causeway pursuant to an Interlocal agreement with Lee County. This amendment increases the FY14 budget by \$23,511)

Karen Storijohan asked if the was receive due to Vice Mayor Congress work with Lee County.

Vice Mayor Congress noted:

- Junior lien paid off
- 21% would come to Sanibel every six months
- Projections may exceed \$1 million per year and would be spent on transportation related issues

Ms. Zimomra read the title of Resolution 14-037.

Mayor Ruane moved, seconded by Vice Mayor Congress, to adopt Resolution 14-037.

Public Comment  
None

The motion carried.

c. **RESOLUTION 14-026 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-024 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$77,026 (\$45,113 from reserves for contingencies in the general fund and \$31,913 from the transportation fund ending fund balance) in funds related to the following: A) \$25,000 in additional seasonal traffic aide personnel cost due to increased need for coverage of three intersections during heavy traffic periods; B) \$5,000 for increased

council travel related to water quality issues for the City; C) \$2,200 in travel costs for City employees to attend training for the City's ongoing records digitization project; D) \$3,000 for increased training costs related to the implementation of new modules within the City's general ledger accounting; E) \$8,000 in travel and conference costs for City employees to attend the annual Tyler Technologies conference; F) \$25,000 in additional overtime costs in public works due to high seasonal demands; G) \$5,000 in funds for additional signage related to special events. Collectively, this amendment does not increase the FY2014 budget)

- d. **RESOLUTION 14-027 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-028 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$8,740 in funds received from Florida Municipal Insurance Trust for legal fees related to equal employment opportunity cases. This amendment increase the FY2014 budget by \$8,740)
- e. **RESOLUTION 14-028 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-025 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$50,000 in grant funding provided by the West Coast Inland navigation District (WCIND) for marine enforcement. This amendment increases the FY2014 budget by \$50,000)
- f. **RESOLUTION 14-029 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-026 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$27,500 in grant funding provided by the West Coast Inland Navigation District (WCIND) for dredging around the city public boat ramp, dock and emergency services dock. This amendment increases the FY2014 budget by \$27,500)
- i. Request to participate in funding of the "All About Alligators" coloring book in the amount of \$1,000 (City Council has authorized this amount in the past)  
AND  
**RESOLUTION 14-030 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-029 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$1,000 for City contribution towards the printing of the "All About Alligators" informational coloring book, in partnership with the Kiwanis Club of Sanibel-Captiva Islands and the "Ding" Darling Wildlife Society. This amendment does not change the FY2014 budget)
- l. **RESOLUTION 14-034 DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE BY RLR INVESTMENTS, LLC D/B/A SUNDIAL BEACH RESORT AT SUNDIAL BEACH RESORT, 1451 MIDDLE GULF DRIVE; AND PROVIDING AN EFFECTIVE DATE**
- m. **RESOLUTION 14-035 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2014-030 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$5,000 for a consultant to assist in the review of the City's telecommunication ordinance and provide recommendations with respect to current telecommunication options. This amendment does not change the FY2014 budget)
- p. **RESOLUTION 14-031 APPOINTING MEMBERS TO THE SANIBEL RECREATION FINANCIAL ASSISTANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

- q. **RESOLUTION 14-032 APPOINTING MEMBERS TO THE SANIBEL HISTORICAL PRESERVATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**
- r. **RESOLUTION 14-033 APPOINTING MEMBERS TO THE SANIBEL VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**
- s. **RESOLUTION 14-039 ACCEPTING THE 2013 ANNUAL REPORTS OF THE HISTORICAL PRESERVATION COMMITTEE, RECREATION FINANCIAL ASSISTANCE COMMITTEE AND VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the above-mentioned legislation titles.

Councilman Denham moved, seconded by Mayor Ruane, to adopt the above-mentioned legislation including item (i) request for an alligator coloring book.

Public Comment  
None

The motion carried.

- a. Approval of minutes – March 04, 2014 Regular meeting
- g. Approval of an agreement with Kimberly Kouril to provide fitness classes at the Center4Life and authorize the City Manager to execute same
- h. Approval of an agreement with Yalila Zawady dba Abmu Yoga to provide fitness classes at the Recreation Center and authorize the City Manager to execute same
- j. Approve purchase of a ½ ton extended cab pickup truck with 4-wheel drive option from Hurley Chrysler Jeep, Inc., for a net cost of \$23,613 (Included in the FY14 adopted budget & funded through Tourism Development Council (TDC) grant funds)
- k. Award contract to Nease, Inc., for the construction of a platform and installation of a generator at Beach Road and East Gulf Drive in the amount of \$153,446.00 and authorize City Manager to execute same (Funds for this project are in the adopted FY14 utility budget)

Vice Mayor Congress moved, seconded by Councilman Denham, approve the above-mentioned Consent Agenda items.

Public Comment  
None

The motion carried.

## **OLD BUSINESS**

Civic Core Status Report and approval of Civic and Cultural Core Consensus Plan

Mayor Ruane gave a report of the process as follows:

- Stakeholders meeting March 30, 2014
- Stakeholders approved plan by consensus

Mr. Woodroffe gave a brief presentation.

Discussion ensued regard rotary and other entities, Ms. Zimomra noted that the Farmers Market would remain in current location, organization would be in the community green or the plaza, SCA currently has 43,000 square feet and the community green space would have 60,000 square feet not including the plaza, moving Wooster Lane over to maximize the main loop road to address a safety issue, would keep public works in place, Mr. Woodroffe noted there would be a vegetation buffer, would Dunlop Road be moved and Mr. Woodroffe noted the road would be shifted somewhat, Ms. Zimomra answered that the shifting was in the area in front of City Hall, parking would not be exclusive, Mr. Woodroffe answered yes and the reasoning was for large openings, concerned of B.I.G Arts configuration and should be careful because it was not pleasing, Mr. Woodroffe noted there was opportunities for each entity to have their own identity and a lot of enthusiasm at the meeting of March 31<sup>st</sup> meeting regarding the conceptual plan.

Vice Mayor Congress moved, seconded by Councilman Harrity, to approve the Civic and Cultural Conceptual Plan.

#### Public Comment

Ralph Clark spoke in agreement.

Paul Roth, Congregational Church and spoke in agreement and the church would like the opportunity to discuss an opportunity to connect church property to the Civic and Cultural Plan property.

Karen Stori Johan spoke her concerned for the number of handicapped parking spaces and there being distance between the parking areas at the Center4Life. She further spoke to missing village buildings and concerned about the bikepath in front of buildings. She noted that CHR was not on the map and currently shares a building with the Center4Life; Mayor Ruane noted that CHR would stay at their current location.

The motion carried.

### **Water Quality Issues**

**Letter dated February 27, 2014 from Lt. Colonel Dodd regarding supplemental freshwater flows to the Calooshatchee River**

**Letter dated March 03, 2014 to Chairman O'Keefe, South Florida Water Management District (SFWMD) Board regarding adaptive protocols for Lake Okeechobee**

**Letter dated March 19, 2014 regarding House Bill 703 and Resolution 14-016**

**Resolution 14-02 received from Fort Myers Beach Town Council regarding HB 703**

**Status report regarding proposed Washington, D. C.**

Director Evans gave a brief Lake Okeechobee report.

### **Dark Sky Update**

Vice Mayor Congress gave a brief PowerPoint presentation.

He recommended:

- Modify the ordinance in three phases
- Develop comprehensive educational component
- Revised ordinance by the end of 2014

#### Public Comment

The following spoke to the proposed legislation.

Jeff Molnar

Barbara Cooley

Karen Stori Johan

Sonia Smith, CASI  
Tom Rackus  
Lee Shaft  
Dick Weiss  
Wayne Ponader

Discussion ensued regarding housing turnover, not an emergency to come into compliance, take 5 years for compliance, interim study to see if education was working, process should be tweaked, 1<sup>st</sup> reading in May and 2<sup>nd</sup> reading in June, should discuss further, discuss modifications, moved the January 15, 2015 deadline date forward, 1<sup>st</sup> reading for May, timeline to be decided at the next City Council meeting, extensive outreach program, Ms. Zimomra noted that sometimes it was the orientation of a fixture even if it was the correct fixture and appropriate fixture.

Vice Mayor Congress moved, seconded by Councilman Harrity, to bring back an amended ordinance with a timeframe change.

Public Comment regarding the above-mentioned motion.  
Lee Shaft  
Karen Storijohan

Barbara Cooley spoke to the need of live streaming.

The motion carried.

### **Status report regarding Flood Insurance legislative activity**

Mayor Ruane spoke to the following:

- President executed compromise
- HB 337 and adopted

### **Appointments of Council liaisons**

#### **National/Regional**

Charlotte Harbor Policy Committee  
Florida Municipal Insurance Trust Board of Directors  
Florida Municipal Insurance Investment Fund Chair  
National League of Cities Voting Delegate  
Florida League of Cities Mayor's Round table  
Florida League of Mayors Board of Directors  
Florida League of Cities Voting Delegate  
Florida League of Cities Environmental & Energy Committee  
Florida League of Cities Nominating Committee  
SW Florida League of Cities (Vice Chair)

#### **City of Sanibel Representative**

No Liaison  
Kevin Ruane  
Kevin Ruane  
Jim Jennings  
Kevin Ruane  
Kevin Ruane  
Mick Denham  
Mick Denham  
  
Mick Denham  
Mick Denham

#### **Lee County Committees for Council**

Horizon Council  
Metropolitan Planning Organization (MPO)  
Metropolitan Planning Organization (MPO) Executive Committee  
SW Florida Regional Planning Council  
Tourism Development Council (TDC)  
Lee County Mayor's Council  
Toll Study Committee

Doug Congress  
Kevin Ruane/Mick Denham (alternate)  
  
Kevin Ruane  
Doug Congress  
Kevin Ruane  
Kevin Ruane  
Doug Congress

**Sanibel Committees/Functions**

CHR	Mick Denham
Coast & Island Community Land Trust (CHR)	Mick Denham
Chamber Governmental Affairs Committee	Kevin Ruane
Recreation Financial Assistance Program	Doug Congress
Historical Committee	Marty Harrity
Historical Museum & Village, Inc.	Marty Harrity
Planning Commission	Doug Congress
Vegetation Committee	Jim Jennings
Employee Dependent Scholarship Committee	Kevin Ruane
Audit Committee (sunset)	Kevin Ruane
Contractors Review Board	Jim Jennings
General Employee Pension Board	Doug Congress/Kevin Ruane
Police Pension Board	Mick Denham
Causeway Toll Project	Doug Congress
Redevelopment Project	Kevin Ruane
Redevelopment Needs Assessment	Mick Denham

**Lee County Committees for Staff or Citizens**

Blind Pass Management & Coastal Advisory	James Evans
Charlotte Harbor Natural Estuary Program	James Evans
Disaster Recovery Task Force	Chief Tomlinson
Technical Advisory to MPO	Keith Williams /Ben Pople
*Citizen Advisory to MPO (CAC)	Joseph Modelli
Bicycle Pedestrian Coordinating Committee MPO)	Steve Avakian
Traffic Management & Operations Committee (MPO)	Scott Krawczuk/Keith Williams
Lee County Beach Preservation Task Force	James Evans
*Public Parks & Recreation Services Advisory	Jean Baer
*Regional Harbor Board	Darla Letourneau
*Human Services Council	Jean Ann DeWalt

**Lee County Committees with Staff or Citizen representative (\*citizen appointed directly by Lee County Board of County Commissioners)**

Mayor Ruane moved, seconded by Councilman Harrity, to defer discussion until the May meeting.

The motion carried,

Mayor Ruane left at 12:01 a.m.

**NEW BUSINESS**

**RESOLUTION 14-038 APPROVING THE REQUEST OF LEGACY PRODUCTIONS GROUP, INC. D/B/A LEGACY TOURS, FOR A BUSINESS TAX RECEIPT TO OPERATE AN EDUCATIONAL AND HISTORICAL BUS TOUR WITHIN THE CITY OF SANIBEL; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 14-038.

Discussion ensued regarding requirements, need commercial driver’s licenses, Mr. Cuyler noted that there was no requirement, vehicle liability must be maintained at all times, two buses proposed with a maximum of 22 passenger, list of potential location, was there the need for prior approval of drop off, proposing pick-up and drop off at Matzaluna, concerned about buses, already have a similar tour, Ms. Zimomra noted the county had legislation, but does not apply to Sanibel, commercial was now different levels of commercial licenses, Mr. Cuyler noted that business license automatically renew, but could set a time period for review and have the discretion to renew through regular process, tours encompass the Historical Village, Ding Darling and SCCF,

people cannot stop and disembark at lighthouse beach and proposed ordinance cites no stopping at lighthouse beach.

Dave Marshall, bus owner spoke to all drivers having background checks, \$5 million insurance and have commercial license with a "P" endorsement, 23 passenger bus, same driver and tour guide with morning traffic flow, at lighthouse beach would stop and allow people to get out and take photos,

Public Comment  
Barbara Colley  
Larry Schopp

Council asked how the company differed from the other trolley. Mr. Cuyler stated his understanding was that the other trolley coordinated pick-ups at resorts rather than driving to Matzuluna, would pick up passengers at area resort and bring to Sanibel, need to be delayed, did not have a completed application, discuss with a full Council at the May meeting.

Public Comment  
David Bath  
Claudia Burns  
Wayne Ponader  
Peter Meekin  
Sonia Smith  
Dave Marshal, bus owner spoke to already stop at condos and transport to different places.

Mr. Cuyler advised that Council could defer.

Councilman Harrity moved, seconded by Councilman Harrity, to continue to the May 06, 2014 City Council meeting.

Public Comment  
None

The motion carried.

## **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**

#### **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**

#### **FEMA Discovery Meeting regarding FEMA's flood hazard and mapping study**

#### **Pamphlet – A guide to living with Urban Coyotes (University of Florida)**

**Certificate of Appreciation from Commissioner Chuck Haas, Hugo Minnesota to the City for the use of City Hall and assistance with technology to remotely attending his City Commissioner Meetings**

Ms. Zimomra spoke to the coyote brochure and coyote population. She further spoke to the FEMA on Sanibel performing prework for upcoming FEMA maps changes.

**CITY ATTORNEY'S REPORT**

**Change in Status of Electric Personal Assistive Mobility Devices (Brand Name: Segway) in Florida Statutes**

Mr. Cuyler gave the following report:

- Allowed a tour and handicapped stickers
- The word “prohibited” deleted” and “regulate” included
- Ordinance says prohibit and statute no longer supports

Discussion ensued regarding the difference of prohibit and regulate, no segway rentals, ordinance says Sanibel prohibits and the statute supports regulate, should remove the word “prohibit”, would regulate in the interest of safety, staff to bring back amendments, if Council wants regulation the ordinance would be repealed and bring back to City Council.

Public Comment  
David Bath

Vice Mayor Congress moved, seconded by Councilman Denham, direct Mr. Cuyler to bring back reasonable regulations to City Council for discussion at the May meeting.

The motion carried.

**COUNCIL MEMBERS' REPORT**

Councilman Denham spoke to the traffic and would like to have a discussion and explore possible suggestions.

Ms. Zimomra stated that normally after the organizational meeting Council discusses goals.

**PUBLIC COMMENT**

None

There being no further business the meeting was adjourned.

Respectfully submitted by,

Pamela Smith, MMC  
Sanibel City Clerk