

10. **CITY MANAGER**

a. Informational Items

i. Status of City Council's policy for Sanitary Sewer Commercial Credits

**CITY OF SANIBEL, FLORIDA**

**RESOLUTION NO. 07-025**

**A RESOLUTION AMENDING SANIBEL RESOLUTION 06-117 WHICH SETS FORTH THE CITY'S CURRENT SEWER SYSTEM RATES, FEES AND CHARGES; AMENDING THE SEWER SYSTEM FEE STRUCTURE TO ALLOW FOR COMMERCIAL CREDITS UNDER CERTAIN SPECIFIED CIRCUMSTANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 70 of the Sanibel Code provides for the adoption of Sanibel Sewer System rates, fees and charges by Resolution; and

**WHEREAS**, Resolution No. 06-117 dated August 17, 2006, established the current sewer rate structure; and

**WHEREAS**, pursuant to Section 180.136, Florida Statutes, the City Council has determined that notifying utility customers is not applicable or necessary in order to establish the commercial customer credits set forth in this Resolution; and

**WHEREAS**, it has been determined that since commercial sewer system customers are billed based on meter size and potable water consumption, there are certain circumstances where potable water is supplied to the customer by Island Water Association, Inc., but such potable water never enters the Sanibel sewer system; and

**WHEREAS**, the City Council, after consideration of the recommendations of City Staff, has determined that there is an equitable need to include a provision for commercial credits for potable water use that does not enter the sewer system;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Sanibel, Florida:

Section 1. City of Sanibel Resolution 06-117 is hereby amended to add Section A(3) which shall establish certain credits to commercial customer rates and which shall read as follows, with underlined language indicating additions and ~~strike through~~ language indicating deletions:

A. Sewer System Rates:

3. CREDITS TO COMMERCIAL CUSTOMER RATES:

A. Credits to commercial customer rates shall be provided, subject to the conditions and provisions in B below for the following circumstances in which potable water is billed to the commercial customer by Island Water Association, Inc., based on meter size and water consumption, but such potable water has not entered the Sanibel sewer system and therefore should not increase or otherwise affect the commercial sewer system rates:

- i. Accidental or unknown water loss that has actually been recognized, approved and credited on the commercial customer's water bill by Island Water Association, Inc.
- ii. Potable irrigation water that is supplied and separately metered by Island Water Association, Inc. provided that the City's reclaimed water is not available at that commercial customer's location.
- iii. A Commercial Pool credit where potable water is used for pool and similar uses provided that the potable water is metered separately, if practical, or in the alternative, the amount of such potable water usage has been estimated by a competent Engineering Report and approved by the City's Public Works Director.

- iv. Relief for accidental or unknown potable water loss which has not been and will not be credited by Island Water Association, Inc., but the loss of which is confirmed by a competent Engineering Report and approved by the City's public Works Director which identifies with reasonable certainty the potable water amount that does not enter the sewer system and the reasons therefore.
- B. The following conditions and limitations on the credits set forth above are hereby established:
  - (i) Such credits to commercial customer rates shall be available commencing with the effective date of this Resolution provided, however, any claim which was provided to the City in writing prior to the effective date of this Resolution shall be considered as a timely filed application for such credit.
  - (ii) Any claim filed pursuant to this Resolution must be filed, in writing, within ninety (90) days of the issuance of the City sewer bill for which a credit is claimed. No claim may be made for more than a total period of six months of sewer billings.
  - (iii) A total sewer credit of up to \$25,000 may be granted by the City Manager to a single commercial customer provided that all provisions and conditions of this Resolution are met. Any claim for a credit in excess of \$25,000 may only be approved by the City Council based on a finding of hardship constituting a basis for such credit.

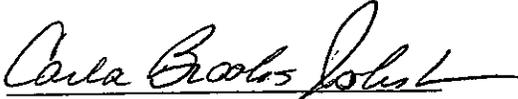
Section 2. Effective date.

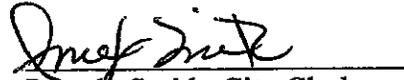
This resolution shall take effect immediately upon adoption.

**DULY PASSED AND ENACTED** by the City Council of the City of Sanibel,

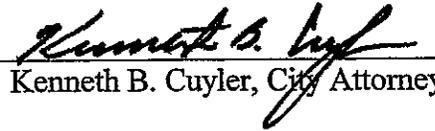
Florida, this 6th day of March, 2007.

AUTHENTICATION:

  
Carla Brooks Johnston, Mayor

  
Pamela Smith, City Clerk

APPROVED AS TO FORM:

 2/28/07  
Kenneth B. Cuyler, City Attorney      Date

Vote of Council members:

Johnston	<u>yea</u>
Denham	<u>yea</u>
Brown	<u>yea</u>
Jennings	<u>yea</u>

Date filed with City Clerk: March 6, 2007

K:\legal\jkg\LEGAL\COUNCIL RESOLUTIONS\SEWER RATE SCHEDULE RES 07-025.doc  
2/26/07

**R.L.R. INVESTMENTS L.L.C.**  
**R.L.R. INVESTMENTS L.L.C.**  
**A REAL ESTATE INVESTMENT COMPANY**

Property Management Office

August 13, 2009

Gates Castle  
Public Works Director  
800 Dunlop Road  
Sanibel, FL 33957

via Certified Mail

Re: 959 Periwinkle Way, Sanibel, Florida 33957 Strap # 20-46-23-T4-03900.30A0

Dear Mr. Castle,

Allow me to re-introduce myself; I am Lisa Bramm, the Property Manager for R.L.R. Investments, L.L.C. and Generation II, L.L.C., the owners of the above referenced property. As you know we purchased the property in 2008 and have since completed much needed improvements for our Royal Shell Preferred Properties' real estate office.

The development permit for the renovation required additional vegetation to be planted on the property. At a considerable expense, we contracted R.S. Walsh to plant the vegetation and Performance Irrigation to install a sprinkler system. The vegetation, planted early in 2009 during the dry season, required extensive watering which incurred many months of costly water bills. In addition, due to the fact that the sewer assessment on a commercial property is based on water consumption, we also incurred many months of costly sewer bills.

Upon my investigation of the high sewer assessment, I learned from Island Water that the building's water usage which drains into the sewer system counts for less than 2% of the total water consumption. This leaves more than 98% of the water usage being irrigation, which as you know does not drain into the sewer system. With that said, I am asking you to consider crediting or refunding the percentage that did not actually go down the sewer yet was assessed and subsequently charged to us.

I also wanted to let you know, The City of Sanibel Utility Department recommended that a separate water meter be installed for irrigation. I have since contracted a plumber to install a separate meter at the referenced property as well as all our other commercial properties on Sanibel and Captiva to eliminate this issue from recurring.

I think you will agree that our investment in the referenced property has enhanced the beauty of the entrance to the Island at the corner of Lindgren Blvd. and Periwinkle Way so your consideration would be greatly appreciated.

I look forward to hearing from you.

Respectively submitted,

*Lisa Bramm*

Lisa Bramm  
Property Manager

Cc: Larry Roberts, Sr.  
Larry Roberts, Jr.  
Roby Roberts  
Donald R. DeLuca

Enclosures:  
City of Sanibel Development Permit No. 08-4822  
Island Water Statement  
City of Sanibel Sewer Statement

PREPARED BY: 8/10/09  
PROGRAM UT456L  
THE ISLAND WATER ASSOCIATION

ACCOUNT BILLING HISTORY  
SUMMARY

07/01/09 TO 09/09/09

To: Lisa  
fax # 472-3216  
From: Karen  
2 pages

CUSTOMER: 27178 ROYAL SHELL PREFERRED PROP  
PO BOX 610  
CAFTVA FL 33924  
LOCATION: 1171 505 PERIWINKLE WAY  
BALANCE: 907.45  
CYCLE/ROUTE: 10-05  
STATUS: A

DATE	TYPE	DESCRIPTION	PREVIOUS BALANCE	CURRENT AMOUNT	TOTAL BILL AMOUNT
8/10/09	BILL	CYCLE BILL	.00	907.45	907.45
7/28/09	PMT			1110.50-	
7/13/09	BILL	CYCLE BILL	.00	1110.50	1110.50
6/18/09	PMT			868.15-	
6/05/09	BILL	CYCLE BILL	.00	868.15	868.15
5/19/09	PMT			743.70-	
5/11/09	BILL	CYCLE BILL	.00	743.70	743.70
5/05/09	PMT			920.55-	
4/14/09	BILL	CYCLE BILL	.00	920.55	920.55
3/18/09	PMT			291.75-	
3/09/09	BILL	CYCLE BILL	.00	291.75	291.75

TOTALS BY CATEGORY

TOTAL PAYMENTS	2936.55-
TOTAL ADJUSTMENTS	.00
WT Charges	4842.10
TOTAL CHARGES	4842.10
TOTAL TRANSFER BALANCE FROM	.00
TOTAL TRANSFER BALANCE TO	.00

CONSUMPTION PARAMETERS FOR WATER

EXCEPTION REPORT FLAG	1
CONSUMPTION ESTIMATE	.00
DEMAND CONSUMPTION ESTIMATE	.00
AVERAGE CONSUMPTION	4.62
AVERAGE DEMAND CONSUMPTION	.00
TOTAL CONSUMPTION	772.00
TOTAL DEMAND CONSUMPTION	.00
TOTAL READING DAYS	167

UT470101

CITY OF SANIBEL UTILITY DEPARTMENT  
Account History - Combined Inquiry

8/13/09  
13:16:26

Customer ID: 12885 Name: RLR INVESTMENTS LLC  
Location ID: 5834 Addr: 959 PERIWINKLE WAY  
Cycle/route . . . . : 10 01 Amount due . . . . . : .00  
Initiation date . . . : 7/31/08 Pending . . . . . : .00  
Termination date . . : 4/01/09 Customer/location status . : F

Type options, press Enter.

5=Display

Opt	Trn Type	Trn/Due Date	Description Cancel Comment	Trn/Prv Amount	Reference Date/Num	Running Balance
-	OC PMT	6/03/09	DJS 06020911	3185.70-		.00
-	FB BILL	5/08/09	FINAL BILL	3185.70	5/10/09	3,185.70
-	MA PMT	3/11/09	DJS 03100933	1174.56-		.00
-	BL BILL	2/17/09	CYCLE BILL	1174.56	2/19/09	1,174.56
-	MA PMT	12/02/08	DJS 12010842	225.39-		.00
-	BL BILL	11/13/08	CYCLE BILL	225.39	11/17/08	225.39

F3=Exit F5=Adjustments F7=Pending F8=Charges F9=Print history Bottom  
 F10=Change view F11=Payments F12=Cancel F24=More keys

UT470101

CITY OF SANIBEL UTILITY DEPARTMENT  
Account History - Combined Inquiry

8/13/09  
13:16:18

Customer ID: 13089 Name: ROYAL SHELL PREFERRED PROP.  
Location ID: 5834 Addr: 959 PERIWINKLE WAY  
Cycle/route . . . . : 10 01 Amount due . . . . . : 3,494.04  
Initiation date . . . : 4/01/09 Pending . . . . . : .00  
Termination date . . : Customer/location status . : A

Type options, press Enter.

5=Display

Opt	Trn Type	Trn/Due Date	Description Cancel Comment	Trn/Prv Amount	Reference Date/Num	Running Balance
-	BL BILL	7/30/09	CYCLE BILL	3494.04	8/03/09	3,494.04

F3=Exit F5=Adjustments F7=Pending F8=Charges F9=Print history Bottom  
 F10=Change view F11=Payments F12=Cancel F24=More keys

## Pamela Smith

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**From:** Judie A. Zimomra  
**Sent:** Wednesday, September 09, 2009 3:06 PM  
**To:** Pamela Smith  
**Subject:** FW: High Sewer Bill- Billys Bike Rentals

For the City Council packet – thank you, Judie Z

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**From:** Gates Castle  
**Sent:** Monday, August 03, 2009 4:37 PM  
**To:** Judie A. Zimomra  
**Cc:** Sylvia A. Edwards; Donna G. Koher  
**Subject:** High Sewer Bill- Billys Bike Rentals

Judie

Billy Kirkland called to see if he could get any relief from a \$1,000 sewer bill he received for his business. He was watering new native vegetation to get it established, resulting in water consumption much higher than normal. Since the sewer bill is based on water consumption, his monthly sewer charge, which is normally \$100, was over \$1,000. Resolution 07-025 which provides for commercial sewer credits doesn't address this situation. I'm confident that Billys story is true and that the water didn't end up in the sewer, but I can't see how a credit can be issued based on current legislation. Do you have any ideas? Thanks.

Gates



# City of Sanibel

800 Dunlop Road  
Sanibel, Florida 33957-4096

[www.mysanibel.com](http://www.mysanibel.com)

### AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATIVE	472-3700
BUILDING	472-4555
EMERGENCY MANAGEMENT	472-3111
FINANCE	472-9615
LEGAL	472-4359
NATURAL RESOURCES	472-3700
RECREATION	472-0345
PLANNING	472-4136
POLICE	472-3111
PUBLIC WORKS	472-6397

September 5, 2009

Barbara Von Harten, Principal  
The Sanibel School  
3840 Sanibel Captiva Road  
Sanibel, Florida 33957

Dear Principal Von Harten,

Recently the City of Sanibel Recreation Department provided temporary access to the City of Sanibel Reclaimed water system during the planting of new landscaping at the Sanibel School, 3840 Sanibel Captiva Road. It is our understanding that the school is now requesting a permanent connection to the Reclaimed Water system to continuing to irrigate the School's landscaping with reclaimed water on a continual basis.

The Director of Public Works, Gates Castle (239-472-6397) is prepared to work directly with you to expedite the connection to the reclaimed water system, which will provide you water significantly less expensively than potable water. You may not be aware the Reclaimed Water system is operated by the City of Sanibel Division of Utility, which is an Enterprise Fund Operation. As an Enterprise Fund, the Utility Division is funded exclusively by rate payers and voter approved millage. Staff does not have the authority to waive any fees associated with the permanent connection or the installation of the meter.

To provide smooth transition to a permanent connection, the City of Sanibel will provide the School a grace period of 45 days to choose if the Sanibel School wishes to permanently connect to the reclaimed water system or make alternative plans. Please do not hesitate to call me if you have any questions regarding this matter.

As always, we look forward to continuing to work cooperatively with the Sanibel School, in our joint effort to maintain Sanibel as a great community to live, work and raise a family.

Sincerely yours,

Julie Zimorra  
Sanibel City Manager

JAZ/kc

Cc: Sanibel City Council  
Gates Castle, Public Works Director  
Chris Deal, Recreation Director  
Ken Cuyler, City Attorney  
Pamela Smith, City Clerk

**DISTRIBUTED**

7/15/09

July 15, 2009



## City of Sanibel

800 Dunlop Road  
Sanibel, Florida 33957-4096

[www.mysanibel.com](http://www.mysanibel.com)

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Ms. Jana D. Yates, Director  
Children Education Center of the Islands  
350 Casa Ybel Road  
Sanibel, FL 33957

Dear Director Yates,

Thank you very much for your attached letter requesting that the City waive or adjust the sewer and water rates for the Children's Education Center of the Islands. Also, thank you for all the great work you have done over the decades to provide a safe, nurturing and educational environment for our community's youngest citizens. You and the Center are great assets to our community.

We apologize for the length of time to respond, however, it was important to me that we spend time researching alternatives that could assist you in achieving your goal of lowering costs.

As a commercial account, your sewer rate is indexed off your water consumption. Thus, the lower your water consumption is, the lower your sewer bill. Our research indicates that to date, the Children's Education Center has not chosen to connect to the reuse effluent distribution system that is available immediately in front of your property. Reuse water, which has a substantially lower rate than potable water, can be utilized for all landscape irrigation. From your description of your water use, the introduction of reuse effluent to water your landscaping should have a positive impact on both your sewer and water rates. The City of Sanibel Public Works Director, Mr. Gates Castle, can be reached at (239) 472-6397, to further discuss this option.

You also state in your correspondence that you irrigate your landscaping year-round. We would strongly recommend you reevaluate your landscaping and water usage. For example, during the rainy season it should not be necessary to irrigate landscaping on Sanibel. We would strongly recommend you consider the area that you are requiring irrigation be re-planted with native vegetation that, after establishment, would not require watering. There are several excellent licensed landscapers on Sanibel and the Sanibel Captiva Conservation

Page 2 of 2

July 15, 2009

Yates, Jana – Children's Education Center of the Islands

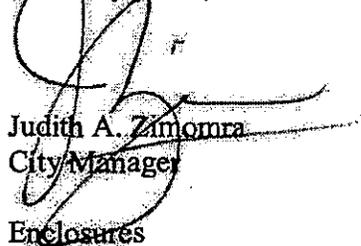
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Foundation Native Plant Nursery who can provide you with guidance to develop your property with vegetation that would require no irrigation. Dr. Robert Loflin, City of Sanibel Natural Resources Director, and his staff are also available to discuss this matter with you. You may reach Dr. Loflin at (239) 472-3700, extension 376.

Finally, I have copied Rusty Isler, General Manager, of Island Water Association, so that he can see your concerns regarding water rates.

Again, thank you for your interest in reducing water consumption as well as the fine work you do with our youngsters. If you have any follow-up questions, please do not hesitate to contact me at (239) 472-3700.

Sincerely yours,



Judith A. Zimomra  
City Manager

Enclosures

Xc: Sanibel City Council  
Gates Castle, Public Works Director/City Engineer  
Kenneth Cuyler, City Attorney  
Sylvia Edwards, Finance Director  
Dr. Robert Loflin, Natural Resources Director  
Rusty Isler, General Manager, Island Water Association  
Children's Education Center of the Islands, Board of Directors  
Erick Lindblad, Director, Sanibel-Captiva Conservation Foundation



**CHILDREN'S EDUCATION CENTER OF THE ISLANDS**  
350 Casa Ybel Road • Sanibel, FL 33957 • 239-472-4538

**May 12, 2009**

**Ms. Judie Zimomra  
City Manager  
City of Sanibel  
800 Dunlop Road  
Sanibel, Florida 33957**

**Dear Judie:**

**I am writing this letter to you to ask for assistance in correcting a large injustice levied upon The Children's Education Center of the Islands in the form of the quarterly sewer bills issued by the City of Sanibel Utility Department.**

**First of all, throughout the year, we water the plants and shrubbery on the school grounds to keep the appearance of our campus at its best. Secondly, during the summer months, we use additional water for water sprinkler toys to provide enjoyment for our children on water play days each week.**

**I fully understand that the City cannot completely excuse our water and sewer bills as it does for other nonprofit organizations, but I do feel that some type of adjustment can be made for the billing of water that does not enter the sewerage treatment plant. To this end, I have enclosed a typical winter and summer quarter sewer bill for our school. Please note that the sewer cost more than doubles during the summer quarter.**

**Usually, there is a smaller enrollment during the summer months which would lead to less waste water actually entering the sewer system, however, the bill is increased by twice the normal amount during this time.**

**As you are aware, the Children's Education Center is a nonprofit, tax exempt, parent owned co-operative that has served the children of Sanibel for the past 35 years. We exist solely for the children and,**

**May 12, 2009**

**especially during the current economic times, we ask for your help with this issue.**

**Thank you.**

**Best regards,**

*Jana D. Yates*

**Jana D. Yates**

**Director**

**The Children's Education Center of the Islands**

**350 Casa Ybel Road**

**Sanibel, Florida 33957**

**enclosure: 2**

**cc: Board of Directors**

**Michael Murray, Incoming President**

**David Muench, Outgoing Co-President**

**Jessica Muench, Outgoing Co-President**