



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Final City Council

Tuesday, March 3, 2015

9:00 AM

City Hall

1. Call to Order / Roll Call

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

Present: 5 - Mayor Kevin Ruane, Vice Mayor Doug Congress, Councilman Mick Denham,
Councilman Marty Harrity, and Councilman Jim Jennings

2. Invocation and Pledge of Allegiance (Councilman Harrity)

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

3. Presentation(s):

- a. Employee of the 1st Quarter, Fiscal Year 2015

Mayor Ruane presented Char Durand with the Employee of the Quarter.

4. Planning Commission Report (Vice Chair Chris Heidrick)

Vice Chair Chris Heidrick gave the following report:

February 10, 2015

- Pubic Hearing for a conditional use at 2330 Palm Ridge Road for a bike rental business, which was approved. He further related there were open code enforcement issues from the owner of the shopping center.
- Approval of a resolution for the waiver process before City Council today.

5. Public Comments for non-Agenda items

Public Comment

- Karen Storijohan
- Ed Seibert
- Sonja Smith
- Rae Ann Wessel
- John McCabe
- Jim Beacham

6. Council Comments

Councilman Jennings spoke to the elections and conveyed appreciation for serving on the Council for the last 12 years.

Councilman Denham spoke to the State of Hawaii's regulation banning plastic bags. He further expressed thanks to Vice Mayor Congress and wished him well.

Councilman Harrity echoed Mr. Denham's comments regarding Vice Mayor Congress. He also spoke to water quality and commended the Council for working together for a common cause.

Mayor Ruane spoke to this being the Vice Mayor's last meeting, wished Councilman Jennings well in the election and stated that it has been a pleasure working with them. He further spoke to the March 16 to 19 Florida League of Cities event in Tallahassee, and indicated that he had several appointments that would provide the opportunity to speak about water quality issues and the need for the C-43 reservoir.

7. First Reading of an Ordinance and scheduling of public hearing.

- a. **ORDINANCE 15-006 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 82 "ADMINISTRATION", ARTICLE III, "PLANNING COMMISSION", DIVISION 3, "SPECIFIC AUTHORITY", AND ARTICLE IV "DEVELOPMENT PERMITS", DIVISION 2, "PROCEDURE", SUBDIVISION III, "LONG FORM", AND CHAPTER 90 "FEES", ARTICLE IV "PUBLIC HEARINGS", DIVISION 8 "VARIANCES"; AMENDING SECTION 82-116. "VARIANCES, TEMPORARY USES, CONDITIONAL USES" - ADDING LANGUAGE RELATING TO WAIVERS; AMENDING SECTION 82-117. "AUTHORIZATION" - ADDING THE TERM WAIVERS; RENUMBERING SECTIONS 82-342-82-360. "RESERVED" AS 82-342-82-350; ADDING A NEW SUBDIVISION XIII (SECTION 82-351), "WAIVERS TO LAWFULLY EXISTING NONCONFORMING STRUCTURES AND PROPERTIES LOCATED IN THE GENERAL, TOWN CENTER GENERAL AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS" - ESTABLISHING A PUBLIC NOTICE AND HEARING PROCESS FOR THE PLANNING COMMISSION TO CONSIDER SPECIFIC WAIVER REQUESTS TO ALLOW IMPROVEMENTS TO LAWFULLY EXISTING NONCONFORMING PARCELS, BUILDINGS AND STRUCTURES LOCATED WITHIN THE GENERAL, TOWN CENTER GENERAL AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS; ADDING A NEW SECTION 82-352-82-360. "RESERVED"; AMENDING SECTION 82-421. "APPLICATION" - ADDING THE TERM WAIVER; ADDING A NEW SECTION 90-489, "APPLICATIONS FOR WAIVERS TO CERTAIN REQUIRED CONDITIONS FOR THE GENERAL, TOWN CENTER GENERAL AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS INVOLVING NONCONFORMING BUILDINGS AND STRUCTURES" - SETTING AN APPLICATION FEE; RENUMBERING SECTIONS 90-489-90-500. "RESERVED" AS 90-490-90-500; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 15-006

City Council set the Second Reading and Public Hearing for Tuesday, April 07, 2015 at 9:10 a.m.

8. SECOND READING AND PUBLIC HEARING

- a. **ORDINANCE 15-004 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 "ZONING", ARTICLE XIV, "SUPPLEMENTARY DISTRICT REGULATIONS", ADDING, AMENDING AND RENUMBERING SECTIONS IN DIVISION 4 - "OUTDOOR LIGHTING"; AMENDING SECTION 126-996. "DEFINITIONS" - ADDING UNSHIELDED LIGHTING, POLE-MOUNTED LIGHTING, LANDSCAPING LIGHTING, AND PATHWAY LIGHTING DEFINITIONS; CLARIFYING UPLIGHTING DEFINITION; AND AMENDING SECTION 126-997. "OUTDOOR LIGHTING GENERALLY" - REDEFINING APPLICABILITY PROVISIONS, ESTABLISHING NEW CONSTRUCTION STANDARDS AND EXEMPTIONS REGARDING UNSHIELDED POLE-MOUNTED LIGHTING, UPLIGHTING, LANDSCAPE LIGHTING AND PATHWAY LIGHTING, ADDRESSING EXISTING NONCONFORMING LUMINAIRES; PROHIBITING UNSHIELDED POLE-MOUNTED LIGHTING AND UPLIGHTING; PROVIDING A PROHIBITION DATE; AND REPEALING "APPENDIX A" IN SECTION 126-997. "OUTDOOR LIGHTING GENERALLY" GRAPHICALLY ILLUSTRATING NONCONFORMING AND CONFORMING LUMINAIRES AND MODIFYING EXISTING FIXTURES; AND ADDING "APPENDIX A, APPENDIX B AND APPENDIX C - CITY OF SANIBEL DARK SKY LIGHT FIXTURE GUIDE" IN SECTION 126-997. "OUTDOOR LIGHTING GENERALLY" ILLUSTRATING COMPLIANT AND NONCOMPLIANT LUMINAIRES; AND ADDING A NEW SECTION 126-998. "CERTIFICATE OF LUMINAIRE COMPLIANCE" - ESTABLISHING A VOLUNTARY CITY DATABASE INDICATING PROPERTY STATUS REGARDING LUMINAIRE COMPLIANCE; AND RENUMBERING SECTION 126-998. "BEACH WALKOVER LIGHTING" AS 126-999; AMENDING SAME TO ESTABLISH ARTIFICIAL LIGHT ILLUMINATION LEVEL LIMITS; AND RENUMBERING SECTION 126-999. "BEACHFRONT LIGHTING FOR MARINE TURTLE PROTECTION - NEWLY INSTALLED ARTIFICIAL LIGHTING SOURCES" AS 126-1000; AMENDING SAME TO UPDATE EXTERIOR ARTIFICIAL LIGHT FIXTURE AND LAMP REQUIREMENTS; AND RENUMBERING SECTION 126-1000. "SAME - EXISTING ARTIFICIAL LIGHTING SOURCES" AS 126-1001; AMENDING SAME TO UPDATE FIXTURE AND LAMP REQUIREMENTS; AND RENUMBERING SECTION 126-1001. "ALTERNATIVE LIGHTING PLAN" AS 126-1002; AND RENUMBERING SECTION 126-1002. "INTERPRETATION" AS 126-1003; AND RENUMBERING SECTIONS 126-1003 - 126-1020. "RESERVED" TO 126-1004 - 126-1020; AND SPECIFYING THAT COMPLIANCE WITH MARINE TURTLE LIGHTING IS CURRENTLY REQUIRED AND IS NOT BEING AFFECTED BY THE AMENDMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 15-004.

Discussion ensued regarding the modifications from the City Attorney dealing with flood lights under an architectural feature and not permitting glare on adjacent property and/or roadways.

Public Comment

- Dick Weiss

- Tom Wright

- Herb Rubin
- Lee Sheriff
- David Bath
- Claudia Burns

Vice Mayor Congress moved, seconded by Councilman Harrity, to approve the modifications to the ordinance that were included in the two memorandums from the City Attorney, and adopt Ordinance 15-004. The motion carried.

- b. **ORDINANCE 15-005 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 90, FEES, ARTICLE II DEVELOPMENT PERMITS, ADDING, AMENDING AND RENUMBERING SECTIONS IN DIVISION 4, ACCESSORY USES AND STRUCTURES; AMENDING SECTION 90-110 TO ESTABLISH A FEE FOR DEVELOPMENT PERMIT APPLICATIONS FILED FOR AN OSPREY NESTING PLATFORM AND RENUMBERING SECTION 90-110, USES AND STRUCTURES NOT SPECIFICALLY LISTED, AS 90-111; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 15-005.

Public Comment
None

Councilman Denham moved, seconded by Vice Mayor Congress, to adopt Ordinance 15-005. The motion carried.

9. CONSENT AGENDA

- a. **RESOLUTION 15-015 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2015-015; AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$25,000 in grant funding from the U.S. Fish and Wildlife Service for the Sanibel Bayous Package Plant Restoration Project. These were previously approved grant funds that were not included in the adopted FY15 budget. This amendment increases the FY2015 budget by \$25,000)
- b. **RESOLUTION 15-016 ADOPTING A COST ALLOCATION PLAN, (ALSO KNOWN AS AN INDIRECT COST PLAN) FOR THE FISCAL YEAR 2014-15; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATE OF COST ALLOCATION PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF OMB CIRCULAR A-87 AND FULL COST PLAN; AUTHORIZING THE DISTRIBUTION OF THE CENTRAL SERVICE OVERHEAD COSTS TO QUALIFYING GRANTS AND ENTERPRISE FUNDS; ESTABLISHING THAT REGULAR UPDATES TO THE COST ALLOCATION PLAN BE MADE; AND ESTABLISHING AN EFFECTIVE DATE AND RESOLUTION 15-017 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2015-014 AND PROVIDING AN EFFECTIVE DATE** (Based on the FY14 completed indirect cost study, adjust expense in the following funds: 1) Building Department Fund increase expense by \$4,290; 2) Ballfield Maintenance Fund increase expense by \$25,015; 3) Sewer Fund decrease expense by \$5,101; 4) Beach Parking Fund increase enforcement expense by \$36,083 and maintenance expense by \$8,479. Increase revenue to the general fund by \$68,766. Increase revenue to the ballfield maintenance fund by \$25,015 (includes \$15,603 transfer from general fund). This total amendment increases the FY 2015 budget by \$93,781)

- c. **RESOLUTION 15-019 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2015-016; AND PROVIDING AN EFFECTIVE DATE** (To budget receipt of \$2,300 from the Foundation of the Rotary Club of Fort Myers South to support the Sanibel Police School Resource Officer Program. This amendment increases the FY2015 budget by \$2,300)

Ms. Zimomra read the titles of Resolution 15-015, Resolution 15-016 and Resolution 15-019.

Councilman Jennings expressed appreciation to the Foundation of the Rotary Club of Fort Myers South for supporting the Sanibel Police School Resource Officer Program.

Public Comment
None

Vice Mayor Congress moved, seconded by Councilman Jennings, to adopt Resolution 15-015, Resolution 15-016 and Resolution 15-019. The motion carried.

- d. Approval of Minutes - February 03, 2015 Regular Meeting
- e. Approval of an agreement between Sanibel Flag Football League, Inc. and the City of Sanibel to provide various youth programs and authorize the City Manager to execute same
- f. Approve the use of Paints and Coatings, Inc. to rehabilitate lift stations and manholes utilizing City of Cape Coral contract #CON-UT14-15/TM pricing; this pricing will remain valid until August 12, 2017 (these services are being procured as a "piggy backing" purchase and therefore competitive procurement methods are not required and are hereby waived)
- g. Approval of an agreement between the City of Sanibel and Kimberly Kouril to provide Yoga instruction at the Recreation Center and authorize the Mayor to execute same
- h. Approval of Memorandum of Understanding between Sanibel Police Department and the Department of Highway Safety for the Drivers License and/or Motor Vehicle Record Data Exchange and authorize Police Chief Bill Tomlinson to execute same
- i. Approval under the City's emergency procurement policy for replacement of MacKenzie Hall, Legal Office air conditioning systems and repairs to the Administrative Wing IT room with FHSI Mechanical Contractor in the amount of \$95,642
- j. Request from Sanibel Historical Museum & Village to serve 2 oz. of alcohol at the "Garden Party and Dance" held at 950 Dunlop Road on March 19, 2015
- k. Approve the repair and recondition of the existing Parkson Bar/Filter Screens used for grit removal to Parkson Corporation; this item is being procured as a sole source purchase and therefore competitive procurement methods are not required and are hereby waived as a sole source in the amount of \$75,090

- I. Approve the purchase of a ½ ton extended cab pickup truck with 4-wheel drive from Bartow Ford for a cost of \$26,092

Public Comment on the Consent Agenda

None

Councilman Denham moved, seconded by Councilman Jennings, to approve Consent Agenda items d, e, f, g, h, i, j, k, and l. The motion carried.

10. OLD BUSINESS

- a. Water Quality Issues
 - i. Reports from Director Evans
 1. Report regarding Lake Okeechobee releases
 2. Department of Environmental Protection awards \$1 million for Restoration of St. Lucie and Caloosahatchee Estuaries
 3. South Florida Water Management District (SFWMD) begins pumping water operations at several water storage sites
 4. Correspondence dated February 19, 2015 from the Audubon of Southwest Florida endorsing the watershed white paper
 5. Correspondence dated February 19, 2015 and Resolution 15R-02-34 from City of Lauderhill endorsing the watershed white paper
 6. Letter dated February 20, 2015 from Commissioner Adam H. Putnam, Department of Agriculture and Consumer Service regarding Council's support in purchasing the Bond property as part of the Charlotte Harbor Flatwoods Florida Forever Project
 7. Blind Pass Area Status Reports
 - i. Erosion southeast of Blind Pass
 - ii. Silting of Blind Pass
 - iii. Request for Tourism Development Council (TDC) funds

Director Evans gave a report on the following:

- Lake Okeechobee and Caloosahatchee River releases
- Audubon of Southwest Florida and the City of Lauderhill endorsed the watershed white paper
- Letter from Commissioner Adam Putnam, Department of Agriculture and Consumer Service regarding Council's support in purchasing the Bond property
- Letter to Governor Scott in response to his commitment to the Everglades restoration program

Directors Evans and Williams spoke to Blind Pass as follows:

- Public Works has continued to monitor Blind Pass and evaluate the escarpment on a daily basis
- Natural Resources staff has worked with DEP to acquire a field permit to place sand on the beach in the event it becomes necessary
- Throughout the month there has been a total linear change of 4 feet in the location nearest the public access and 1 foot in the location 75 feet east; currently it is 41 feet from the edge of the road at the public access and 32 feet

at the area 75 feet east of that location

- LCEC is in the process of relocating the power poles

- Applied for a grant through the Tourist Development Council (TDC) to obtain emergency funds to help support the erosion, which will be on the next TDC agenda for approval

Mayor Ruane asked Director Evans to put together a brief elevator speech regarding the white paper for Council to take with them on their trip to the Florida League of Cities Legislative Action Days in Tallahassee. Director Evans asked for clarification and spoke to the list of three regional priorities that was prepared for the Lee County delegation along with two local projects.

Brief discussion ensued.

Public Comment

- Herb Rubin

b. Resident feedback regarding the Dunes Neighborhood Traffic Follow-up

Ms. Zimomra stated this was on the agenda at City Council's request, noted that some emails had been received, and spoke to the upcoming Dunes Homeowner's Association meeting. Brief discussion ensued.

Public Comment

None

11. COMMITTEE BOARDS COMMISSION

a. Report regarding the Lee County Human Services Committee by Jean Ann DeWalt

Mayor Ruane stated that Ms. DeWalt reported that she was not available to attend the Council meeting and that she would mail her report to Council.

12. CITY MANAGER

a. Informational Items

- i. Public Works Staff Reports**

- 1. CIP Monthly Report

- 2. Grease Trap Report

- b. ii. Recreation Staff Reports**

- 1. Revenue and Membership Report

- c. iii. Legislative Monthly Report**

- d. iv. Building Department Monthly Permit and Revenue Report
- e. v. Planning Department Reports
 - 1. Permit Activity Report
 - 2. Code Enforcement Activity Report
 - 3. Project Task List Report
- f. vi. January 2015 Causeway Counts Report
- g. vii. Community Housing and Resources (CHR) Monthly Financial Report for December 31, 2015
- h. viii. City Investment Reports
 - 1. Treasury Investment Performance Report for Quarter ending December 31, 2014 by Burgess Chambers and Associates
 - 2. Investment Portfolio Report for Quarter ending December 31, 2014 by Integrity Fixed Management, LLC

Ms. Zimomra provided a brief outline of the above agenda items and noted that they were routine reports.

Public Comment
None

13. CITY ATTORNEY'S REPORT

No additional report.

14. COUNCIL MEMBER'S REPORT

- a. General Employee Pension Fund Report GASB 25 and 67 Funding Progress (Vice Mayor Congress)

Vice Mayor Congress spoke briefly regarding the above reports and noted that significant progress has been made over the last five years. Brief discussion ensued.

- b. Police Pension Fund Report GASB 25 and 67 Funding Progress (Councilman Denham)

Councilman Denham spoke to the Police Pension report noting that liability had improved by five points over the last year. Brief discussion ensued.

- c. Southwest Florida Regional Planning Council letter of support request (Vice Mayor Congress)

Jennifer Pellechio, Southwest Florida Regional Planning Council Deputy Director, provided background information related to the letter supporting the Southwest Florida Regional Planning Council's application for the Florida

Humanities Council grant. Brief discussion ensued.

Public Comment

- Herb Rubin

Vice Mayor Congress moved, seconded by Councilman Denham, to support the Southwest Florida Regional Planning Council letter. The motion carried.

Mayor Ruane noted, with Vice Mayor Congress' term ending, Council would need to appoint a new liaison to the Southwest Florida Regional Planning Council.

Mayor Ruane moved, seconded by Councilman Jennings, to appoint Councilman Denham as the Council liaison to the Southwest Florida Regional Planning Council. The motion carried.

Horizon Council Invitation

Vice Mayor Congress stated that the Horizon Foundation and Lee County Industrial Development Authority sent an invitation to attend the Day at the Stadium on March 27, as a thank you to the Horizon Council voting members and business partners. Brief discussion ensued.

Regional Planning Council Resolution

Vice Mayor Congress provided an explanation related to the resolution in Support of Regional Planning Councils. Brief discussion ensued.

Public Comment

None

Vice Mayor Congress moved, seconded by Councilman Denham, to support the Southwest Florida Regional Planning Council resolution. The motion carried.

- Councilman Jennings spoke to City Council being a good team and stated that he will miss Vice Mayor Congress.
- Vice Mayor Congress spoke to his appreciation of being on City Council and pride in being part of the community.
- Councilman Denham conveyed thanks to Vice Mayor Congress for his contribution to the City Council and it was a pleasure working with him.
- Councilman Harrity expressed thanks to Vice Mayor Congress and stated that he will miss him.
- Mayor Ruane echoed the comments of other Council members. He also spoke to the procedure for evaluation of the City Manager and City Attorney that he spoke about at the February 3, 2015 Council meeting. Discussion ensued

regarding the evaluation form, which is to be completed by the Council members and forwarded to Director Isom. The evaluations will be incorporated into a summary form.

Councilman Denham moved, seconded by Councilman Harrity, to approve the procedure for evaluation of the City Manager and City Attorney. The motion carried.

Mayor Ruane noted that he would like to work with the Florida League of Cities for a review of the City Manager and City Attorney contracts on behalf of the City Council for interpretations and allow for a full understanding of the contracts.

Public Comment

None

Councilman Denham moved, seconded by Councilman Jennings, that the Florida League of Cities perform a review of the City Manager and City Attorney contracts on behalf of the City Council, for interpretations and to allow for a full understanding of the contracts. The motion carried.

Vice Mayor Congress referred to the Consent Agenda Item relating to approval of an agreement between Sanibel Flag Football League, Inc. and the City of Sanibel. He noted that this is a new baseball league and he felt it would be appropriate to allocate specific City funds for new equipment that may be necessary. Brief discussion ensued.

Public Comment

None

Vice Mayor Congress moved, seconded by Councilman Harrity, to allow staff to spend up to \$7,000 for new equipment for the baseball league. The motion carried.

15. PUBLIC COMMENT

- Herb Rubin
- Karen Storijohan

16. ADJOURNMENT

No further business. Therefore, the City Council March 3, 2015 regular meeting was adjourned at 10:42 a.m.

Respectfully submitted,

Pamela Smith, MMC
Sanibel City Clerk