

**SANIBEL CITY COUNCIL REGULAR MEETING  
MARCH 01, 2011**

Mayor Ruane called the meeting to order at 9:05 a. m.

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

Members present: Mayor Ruane, Vice Mayor Denham, Councilman Harrity, Councilman Jennings and Councilman Pappas.

**PRESENTATION(S)**

**Legislative Update by Van Poole and Fred Dickerson, Dutko Poole McKinley –  
Legislative Affairs Consultants**

**Legislative Update**

**Legislative Matrix**

**Status of Fertilizer Legislation**

Van Poole and Fred Dickerson spoke to the changes in Tallahassee.

Discussion ensued regarding environmental issues, halting septic system legislation, new proposed fertilizer legislation and the affect for local governments, 50 communities have fertilizer legislation, should ban the use of nitrogen and phosphorus in certain time of the year needed, should not ban fertilizer use, Mr. Poole responded that the fertilizer companies were behind the legislation and a new approach could be taken to slow process down, public fed-up with government waste, and Sierra club upsetting legislators.

**Final Report by Dr. Ai Ning Loh, Associate Professor of Marine Science at Florida  
Gulf Coast University – Bioavailability and Sources of Nutrients and the Linkages  
to Nuisance Drift Algae**

Dr. Loh gave a brief PowerPoint presentation.

Discussion ensued regarding concluded that nitrogen was the nutrient that causes problems, 80% of nutrients during wet season, most nutrients come from the basin, growth during summer season and appears on beaches during the Spring, algae does not like higher temperatures and low salinity, end of wet season algae grows, lag between nutrients coming in and wet season, question was, Where are the nutrients in between?, one aspect for further study was the wet season stimulation, nitrogen the key to trigger the growth, algae uses sunlight to create photosynthesis and warm weather causes physiological stress, and needs high salinity to continue growth.

**Public Comment**

Mike Valiquette, PUURE Chair spoke to the following:

- PURRE found plush into the watershed in early spring by rainfall
- Spoke to Representative Williams and against legislation
- Do not need 150 different fertilizer standards
- Representative Williams confirmed not wanting to trample any local ordinance

Sonia Smith asked if the study was able to determine what nutrients come from fertilizer and/or run-off.

Dr. Loh answered that the TMDL impose and documented sources of nutrients; groundwater and septic systems.

## **Presentation by the Sanibel Bicycle Club for a proposed Periwinkle Way Shared Use Path amenity at the site of the old Rutland homestead, 1119 Periwinkle Way**

Tom Sharbaugh spoke to the development of a proposed Shared Use Path facility on Periwinkle Way. He further stated the goal was to develop a plan of a suitable facility with donations and long-term maintenance issues would not be a burden to City staff. He also gave a brief PowerPoint presentation

- Former Rutland Home site
- Parcel between Huxter's and Sea Shell business
- Ownership partially owned by Muench family and an easement
- Muench family offered an easement to place a gazebo
- Elements of project as follows
  - Welcome Center information
  - Historical site and conservation information on Island
  - Kiosk with shade
  - Benches
  - Drinking fountain
  - Bike racks
  - Trash receptacles
  - Funded by private monies
  - Maintenance by volunteers
- Graves site on property
- Grace site improvements
- Native landscaping
- Reviewed plan with numerous people
  - Sanibel Bike Club
  - Sanibel Beautification – Periwinkle Partnership
  - Sanibel Captiva Conservation Foundation (SCCF)
  - Historical Preservation Committee
  - Historical Museum and Village, Inc.
  - Chamber of Commerce
  - Parks and Recreation Committee
  - Hammerhead Group
  - City Manager and staff
- Estimated costs between \$25,000 and \$40,000
- Primary funding source from Trails in Motion
- Periwinkle Partnership pledge \$10,000 for landscaping
- Construction labor funded by Hammerheads
- Signs provided by SCCF and the Historical Museum and Village, Inc.
- Applications for grants; 1) Tourism Development Council (TDC); Arts and Attractions Program  
2) Lee County Landscaping
- Maintenance by Bike Club volunteers and watering for plants
- Trash removal and mowing by Periwinkle park
- City Council approval to apply for grants
- Permits and construct later the spring
- Install landscaping during the rainy season

Discussion ensued regarding already raised approximately \$30,000.

Mayor Ruane moved, seconded by Vice Mayor Denham, to direct staff to continue to work with Sanibel Bike Club on the proposed project.

The motion carried

## Planning Commission Report

Chairman Mike Valiquette gave the following report February 8, 2011:

- Four conditional use permits approved
  - Synergy Sportswear Apparel
    - Granted approval of a door between two businesses pending approval from the Fire Marshal
  - Norris Home Furnishings
  - Combine Song of the Sea and Sanibel Inn to combine membership (units) to maintain state liquor license
  - Variance for Yachtsman Cove for fence around pool
- Final discussion for Resort District Redevelopment ordinance
- Nothing on the agenda for February 22, 2011

Discussion ensued regarding Planning Commission liaison role comments should be considered as an observation, Vice Mayor Denham voiced issues with Synergy approval and the opening of the door between two businesses, called attention to the problems with Mango Bay when approved, may need to amend legislation for doors between businesses, Mr. Cuyler stated the decision involved legislation interpretation of opening and how large, he further stated that the Planning Commission was in their legal right to make a decision, but Council many want to amend legislation pertaining to the issue, Mr. Cuyler stated that legislation does account for the decision, previous discussion if the Planning Commission was making law, they have broad interpretation, Mr. Cuyler stated that if the interpretation made was not what Council envisioned, but the legislation could be amended by Council and the conditional use permit required no merchandise be swapped between businesses.

Council by consensus asked Mr. Cuyler to review the necessary legislation and bring back at a future Council meeting.

### Public Comments

Ed Seibert spoke to a publication he provided Council earlier regarding granting 26 off-shore drilling leases granted and another 35 leases waiting for approval; new organization (BOEMRE) and an upcoming June meeting to examine a scope and public purpose for eastern Atlantic region regarding off-shore oil drilling.

Louise Johnson asked if there would be public comment at item 9 and Mayor Ruane answered yes.

### Council Comments

Councilman Jennings spoke to his conversation with Representative Trudi Williams regarding her non-support of the fertilizer legislation; realizing water health; community should be able to have the ability to act if water bodies were not healthy; spoke to Senate President Haridopolus; and the last World War I soldier passed.

Vice Mayor Denham spoke to Councilman Pappas' inspiration and this meeting being his last meeting.

Councilman Harrity spoke to Council regarding taking a proactive position during the down turned economy. He wished Councilman Pappas' well.

Mayor Ruane also said thanks to Councilman Pappas.

### First Reading

**ORDINANCE 11-002 AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, AMENDING CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA**

**PARKING RESTRICTIONS, SUBDIVISION II, PERMITS, SECTION 66-76 - TYPES OF PERMITS, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 11-002.

Council set the second reading and public hearing for March 15, 2011 at 9:30 a.m.

Second Reading and Public Hearing

**RESOLUTION 11-025 APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES RELATING TO THE GENERAL EMPLOYEES' RETIREMENT PLAN; AND PROVIDING AN EFFECTIVE DATE**

**ORDINANCE 11-001 OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 50 PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES RETIREMENT PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; AMENDING SECTION 50-476, DEFINITIONS; AMENDING SECTION 50-477, PARTICIPATION; AMENDING SECTION 50-478, CONTRIBUTIONS; AMENDING SECTION 50-479, RETIREMENT DATES AND BENEFITS; AND AMENDING SECTION 50-480, PRE-RETIREMENT DEATH BENEFITS, OF THE TERMS OF THE CITY OF SANIBEL GENERAL EMPLOYEES' RETIREMENT PLAN; PROVIDING FOR APPLICATION TO POLICE DISPATCHERS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING AN EFFECTIVE DATE**

**RESOLUTION 11-020 AMENDING THE CITY OF SANIBEL GOVERNMENTAL MONEY PURCHASE PLAN AND TRUST AGREEMENT (401(a) PLAN), A DEFINED CONTRIBUTION PLAN, WITH THE INTERNATIONAL CITY MANAGERS ASSOCIATION - RETIREMENT CORPORATION (ICMA-RC); AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY (AMENDED) ADOPTION AGREEMENT; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 11-025, Ordinance 11-001 and Resolution 11-020.

Mayor Ruane spoke to procedure with comments from City staff and the union representatives.

Ms. Zimomra stated that she had not advised ASFCME that there would be a presentation, but the ability to make comments.

Mr. Wayne Helsby, Norton, Allen and Blue spoke to previous events of union negotiations, impasse, ratification and amending Ordinance 11-001.

Mr. Jim Linn spoke to the following:

- Ordinance 11-001 amended to reflect City Council action
- Resolution 11-020 amending the 401 (a) plan

Irwin Sharfel, ASFCME Representative

- Outstanding relationship with City
- Staff voiced concerns and proposed a wage freeze
- Employees work for job security, decent benefits
- Concern with large cuts of over 40% in the employee pension plan
- Special Magistrate appointed and made recommendations
- Pension cuts proposed to the extreme
- Asked Council to reconsider the multiplier
- Putting the unfunded liability on the backs of City employees

Roy Gibson, President spoke to the following:

- Union participant
- Asked for a September 30, 2011 effective date
- Included 60 day opt-out period of July 01, 2011
- City staff not prepared impact analysis for each employee
- Florida Retirement System not proposed
- 44% reduction in retirement plan
- Ask multiplier be reduced to 2% rather than 1.68%
- No increase in pay for the last three years
- Employees working more with less
- \$21 million surplus in City reserves
- Impose 1.68% multiplier for new hires
- 1.68% multiplier impacts the lowest paid employees

Public Comment

Claudia Burns encouraged Council to go with the 2% multiplier

John Juskiw spoke to the following:

- Working for the City beginning in 2003
- Seen pension enhancement not requested
- Seen diminished benefits
- City position with higher reserves
- Paid-off debt
- No additional payments to unfunded liability
- Must work longer before retirement

Louise Johnson agreed with 2% multiplier.

Edgar Burton agreed with 2% multiplier and start date of September 30, 2011.

David Bath agreed with the 1.68% multiplier and asked for adoption of Ordinance 11-001.

Karen Storjohann spoke to analysis. She agreed with the September 30, 2011 beginning date.

Mayor Ruane answered that the analysis was not complete and would be provided with more specific details.

Ms. Zimomra stated the analysis was on the agenda.

Darla Letourneau agreed with the 2% multiplier and the September 30, 2011 effective date. She spoke to her concern in hiring part-time employees without benefits and the recruitment and retaining staff.

Wayne Ponader agreed with the 1.68% multiplier.

Roy Gibson spoke to employee issues; fear of retaliation; 2% multiplier not the union's proposal, but came from Councilman Pappas.

Mr. Zimomra stated that the letter received was from the labor attorney, Wayne Helsby.

Discussion ensued regarding Council being proactive due to the economy, do not need to spend reserves, must be responsive when spending reserves, Council had been fair with employees, Councilman Pappas suggested a 2% multiplier not a motion, concerned that employees think the remaining Councilmembers would retaliate against employees, alteration of the pension plan was a fiduciary responsibility, community never experienced a reversible in property values, when will be the effective date, Mr. Isom answered that Ordinance 11-001 would be effective today, employee option to remain in the defined benefit plan or go to a defined contribution and effective May 01, 2011, union requesting for an effective date of October 01, 2011, Mr. Isom stated that service would be continued under the 3% multiplier, Mr. Linn stated that the May 01, 2011 date was pushed back due to 1<sup>st</sup> and 2<sup>nd</sup> reading and pushing back to September 30<sup>th</sup> would not raise any bargaining problems, and Mayor Ruane gave a brief history of events.

Councilman Harrity moved, seconded by Vice Mayor Denham, to approve Resolution 11-025.

Public Comment  
None

The motion carried.

Councilman Harrity moved, seconded by Mayor Ruane, to adopt Ordinance 11-001.

Public Comment  
None

The motion carried.

Councilman Harrity moved, seconded by Vice Mayor Denham, to adopt Resolution 11-020.

Public Comment  
None

The motion carried

**Status of the Actuarial Analysis of the impact of a surplus employer contribution on the amortization of the total unfunded actuarial accrued liability and interest change**

Mayor Ruane stated that the calculation would be completed after the May 01 effective date of the amended general employee's pension plan.

Council recessed at 11:31 a.m.

Council reconvened at 11:44 a.m.

**Continuation of a discussion regarding proposed shared use path along Dunlop Road and Wooster Lane from Sanibel Library to Palm Ridge Road (Construction of shared use path along Periwinkle Way from crosswalk at St. Michael's Church to Dunlop Road and along Dunlop Road from Periwinkle Way to Sanibel Library approved by Council at the January 4, 2011 meeting)**

## **Review of possible alterations to Periwinkle Way crosswalk at Sanibel Community Association (SCA), 2173 Periwinkle Way**

Ms. Zimomra gave the following report:

- Re-visited of the issue
- Long-time budgeted project
- City Council directed staff to proceed
- Directed to come back with design issues
- Re-visit B.I.G. Arts area alignment
- Staff recommendation was for low level lighting for the connectivity paths
- Signage concept would become a template for all paths

Director Gates Castle spoke to the following:

- Review issue of crosswalk at Sanibel Community Association (SCA)
- Previous enhancements to SCA crosswalk
- 3 alternatives
  - Pedestrian island in the center of Periwinkle Way
  - Create a 10-foot and 40-foot long - \$80,000 cost estimate
  - Shared Use path and drainage re-location
  - Concerns that large number of people would queue on the island and may not be safe
  - In ground lighting system
  - Surface mounted flashing lights - \$30,000
  - Previously discussed in 1997 with concerns frightening drivers in to a sudden stop
- Recommendation to go with additional street lighting on each side of crossing; LCEC install; \$20 monthly cost
- Would meet dark skies standards
- Could purchase and use on street lighting system

Discussion ensued regarding agreeing to the recommended lighting enhancement.

Councilman Pappas moved, seconded by Vice Mayor Denham, to accept staff recommendation.

Public Comment

Sally Kirkland agreed with the recommendation and suggested flashing lights in the middle of the road.

Louise Johnson agreed with the proposal.

Karen Storjohann asked if street lights would be on every night all night long. She suggested photo sensitive lights.

Mr. Castle stated that during nighttime hours the lights would remain on.

Discussion ensued regarding not wanting a light that turns off and on, and Mr. Castle stated he would rather have a light on all the time.

The motion carried.

## **Review of proposed signage for shared use path**

Mr. Castle spoke to the following:

- Standard signage
- Option of color

- Recommend green with white border
- Option to put distances on signs
- Recommendation to put any distance more than 1 mile on signage

Vice Mayor Denham moved, seconded by Mayor Ruane, to approve staff recommendation for signage.

Public Comments

None

The motion carried.

## **Review of options for shared use path location/alignment from City Hall to Wooster Lane curve**

Mr. Castle spoke to the following:

- Reviewing B. I. G. Arts area
- Option 1 – leaving existing roadway system and build path south of roadway
- Option 2 – avoid wetlands – shift road to Wooster portion to the west and utilize portion of eastbound Dunlop Road for Shared Use Path
- Option 3 east bound lane for shared use path and widen west bound lane to accommodate traffic
- Option 4 – roadway built to current east bound lane

Discussion ensued regarding project approved by Council with the exception of B.I.G. Arts area, Option 1 least expensive , Option 2 next less expensive, Option 3 \$48,500 Option 4 \$58,500, and the earlier option 5 was \$72,000; Option 1 (\$25,000) and 2 \$30,000 less than half of option 3, did not have consensus in the community, options 3 and 4 destroy the City Hall driveway, where are all the environmental advocates, best option was option 1; safer, least amount of money, impacts gopher tortoise foraging area, bike path should be about safety, support for option 4, out of gopher tortoise area, provides option for B.I.G. Arts to expand, should not consider a potential B. I. G. Arts expansion, option 1 would not hurt B. I. G. Arts, but option 3 would hurt them, accept option 1 to put path farthest point south, doing nothing was not an option, not often do many diverse organizations agree on option 4, consensus of population want option 4, organizations got together because they did not get a bike path, option 1 takes everything further south and does not change anything north, maybe things would move further south later, Councilman Pappas plan takes in to account that B.I.G. Arts would not grow it had in the last 10 years and any plans to move concepts and activities further from the present site would be problematic, could tear down Phillips gallery, build larger footprint, upgrade Shien Hall, get rid of everything else in between, Historical Museum & Village would need to move to give B. I. G. Arts more density, village could be better located, previously Council wanted option 3, make accommodations to B. I. G. Arts would be premature and email from Judy Baum.

Public Comment

Herb Rubin spoke to Dunlop Road the single most important addition to the Shared Use Path system.

Louise Johnson spoke to doing nothing.

Ms. Zimomra stated that the project had always had the interconnectivity and the Library portion of the path.

Darla Letourneau spoke to the Dunlop Road path a key factor in the system.

Dorothy Donaldson spoke for Option 1.

Tom Krekel spoke for Option 1.

Karen Storjohann spoke for Option 1.

Steve Greenstein, Executive Director of C. R. O. W. clarified that he was not authorized to agree to any option and spoke to the impact of automobiles to gopher tortoises. He further explained that crossing the gopher tortoise to the direction it is headed. He also thanked Councilman Pappas for his service on Council and to the community.

Claudia Burns spoke for Option 1 and her concern with changing the character of Dunlop Road. She suggested that maybe there was no need for a full path, but a bike lane with a width of 5 feet

Larry Schopp spoke for Option 1.

Bill Sartoris spoke the need of separation of the bike path from the roadway. He further stated that if there was a bike lane there would need to have a bike lane beside both lanes.

Chuck Bonser stated that Judy Baum does not speak for the B. I. G. Arts Board. He further stated that the 26-member Board voted unanimously for Option 4, but would not have a problem with Option 1.

Discussion ensued regarding reviewing Option 1 does not help the B.I.G. Arts space.

Barbara Cooley spoke for Option 1 and COTI concern with pedestrian safety.

Billy Kirkland spoke for Option 1 and Sanibel being a bike friendly community. He suggested reviewing other cross walks.

Gloria Hannan spoke for Option 1.

Councilman Pappas moved, seconded by Councilman Harrity, to direct staff to construct the path under option 1.

Dr. Loflin stated that Option1 impacts vegetation by transplanting over 100 trees and impacts wetlands. He stated that a boardwalk over wetlands could be utilized.

The motion carried.

Council recessed at 1:12 p. m.

Council reconvened at 1:48 p.m.

### **COUNCIL MEMBERS' REPORT**

Status of South Florida Management Water District (SFWMD) appointments and letter of support (Vice Mayor Denham)

Vice Mayor Denham moved, seconded by Councilman Harrity, to approve the letter.

The motion carried

### **CONSENT AGENDA**

Ms. Zimomra stated that staff asked that item (c) be removed for consideration to a time uncertain. Councilman Harrity requested that item (e) be pulled for discussion.

- c. Approval of an agreement with LarsonAllen to provide information technology consulting and advisory services in the amount of \$35,000 and authorize the City

**Manager to execute same AND RESOLUTION 11-005 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-006 AND PROVIDING AN**

**EFFECTIVE DATE** (To transfer \$35,000 from the General Fund reserve for contingencies for LarsonAllen, LLP to provide information technology consulting and advisory services. This budget amendment does not increase or decrease the FY11 budget)

Ms. Zimomra advised that staff request the above-mentioned item be removed for consideration at a later date.

**e. RESOLUTION 11-016 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-014 AND PROVIDING AN EFFECTIVE DATE**

(To budget \$50,000 from Lee County Public Safety to reimburse the City one-half the costs incurred in FY10 up to \$50,000, for a new emergency generator for the police department 911 Public Safety Answering Point (PSAP). This budget amendment increases the FY11 budget up to \$50,000)

Ms. Zimomra read the title of Resolution 11-016 and explained that Lee County Public Safety would reimburse the City for costs up to \$50,000.

Chief Tomlinson explained:

- Generator blew up and helps power the 911 center
- Replacement cost \$120,000
- Approached Lee County and agreed to pay for up to \$50,000

Mayor Ruane moved, seconded by Councilman Harrity, to adopt Resolution 11-016.

Public Comment  
None

The motion carried.

**b. RESOLUTION 11-019 ADOPTING A COST ALLOCATION PLAN, (ALSO KNOWN AS AN INDIRECT COST PLAN) FOR THE FISCAL YEAR 2010-11; 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 11-022 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-017 AND PROVIDING AN EFFECTIVE DATE** (Based on the FY10 indirect cost study, adjust expense in the following funds; 1) Building Department Fund increase expense by \$11,078; 2) Ballfield Maintenance Fund decrease expense by \$1,396; 3) Beach Parking Fund increase enforcement expense by \$26,066 and reduce maintenance expense by \$67,735. Increase revenue to the general fund by \$123,024. This amendment increases the FY11 budget by \$123,024)

**d. RESOLUTION 11-015 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-016 AND PROVIDING AN EFFECTIVE DATE**

(To budget a \$1,000 donation from John Clark and appropriate a \$1,000 expenditure to Trails in Motion, Inc., for the Periwinkle Path Facility at the old Rutland home site. This budget amendment increases the FY11 budget by \$1,000)

- f. **RESOLUTION 11-017 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-018 AND PROVIDING AN EFFECTIVE DATE** (to budget and appropriate \$1,098 for an Edward Byrne Memorial Justice Assistance Grant awarded by the Florida Department of Law Enforcement for emergency lighting. Contract No. 2011-JAGD-LEE-1-B3-100 is attached. This amendment increases the FY11 budget by \$1,098)
- g. **RESOLUTION 11-021 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-015 AND PROVIDING AN EFFECTIVE DATE** (to: 1) transfer \$64,076 from the general fund reserve for contingencies and 2) budget \$64,076 for two part-time planners (Kirsten Warren and Paula McMichael) to work up to 39 hours per week from January 1, 2011 through September 30, 2011. This budget amendment does not increase or decrease the FY11 budget)
- k. **RESOLUTION 11-026 APPROVING AN AGREEMENT AMONG PROPERTY OWNERS TO CLARIFY AND CURE A TITLE DEFECT AND OWNERSHIP ISSUES RELATED TO DIFFERENT LOT NUMBERING BASED ON CONFLICTING PLATS FOR THE SANIBEL HIGHLANDS SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE**
- l. Approve the purchase of 4 Ford Crown Victoria vehicles with police package, trading in 4 vehicles with a total cost for all four vehicles of \$84,760 after trade and **RESOLUTION 11-027 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE** (this purchase is in the adopted FY11 budget; therefore no budget impact)

Ms. Zimomra read the titles of Resolutions 11-019, 11-015, 11-017, 11-021, 11-026 and 11-027.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolutions 11-019, 11-017, 11-021, 11-026 and 11-027

Public Comment  
None

The motion carried

- a. Approval of minutes – January 04, 2011 and February 01, 2011 Regular Meetings  
Mayor Ruane called attention to page 3 regarding his remarks on the unfunded liability. Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt the January 04, and February 01, 2011 minutes.

Public Comment  
None

The motion carried.

- h. Memorandum of Understanding between the City of Sanibel and J. N. “Ding” Darling Wildlife Refuge for Special Events parking spaces and authorize the City Manager to execute same
- i. Award Lift Stations #54 and #55 generators contract to Nease, Inc. in the amount of \$157,112 and authorize the City Manager to execute same (this project is included in the adopted FY11 budget)

- j. Award Beach Walkover Replacement contract to Winfield Contracting, Inc., in the amount of \$87,610 and authorize the City Manager to execute same (this project is included in the adopted FY11 budget and funded by Tourism Development Council (TDC) grant monies)
  - m. Request from the Island Seniors to waive the Special Event permits fee for the 3<sup>rd</sup> Annual Used Book Fair Saturday, April 02, 2011 and the Fall Harvest Bazaar Saturday, November 12, 2011 (both of these events are grandfathered events and fees have been waived in the past)
- Vice Mayor Denham moved, seconded by Councilman Harrity, to approve Consent Agenda items h, I, j and m.

Approve the purchase of 4 Ford Crown Victoria vehicles with police package, trading in 4 vehicles with a total cost for all four vehicles of \$84,760 after trade  
 Mayor Ruane moved, seconded by Councilman Harrity, to approve the above.

Public Comment  
 None

The motion carried.

**COMMITTEES, BOARDS, COMMISSION**  
 City Council Liaison to Planning Commission

<b>March 08, 2011</b>	<b>Vice Mayor Denham</b>	<b>Report of 03/01/11CC Meeting</b>
<b>March 22, 2011</b>	<b>Councilman Harrity</b>	<b>Report of 03/15/11 CC Meeting</b>

Resort Housing District Redevelopment Study reporting schedule to City Council from the Planning Commission  
 Tuesday, May 03, 2011  
 Tuesday, July 19, 2011

**Acceptance of Councilman-elect Congress' resignation from the General Employee Pension Board of Trustees**

Council accepted the resignation by consensus and asked a thank you letter be sent.

**RESOLUTION 11-018 PERTAINING TO THE SANIBEL BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT PLAN BOARD OF TRUSTEES; APPOINTING ONE RESIDENT MEMBER TO THE BOARD; PROVIDING THAT SUCH MEMBER IS TO SERVE THE REMAINING TERM OF DOUG CONGRESS COMMENCING MARCH 15, 2011 AND EXPIRING ON SEPTEMBER 30, 2012; AND PROVIDING FOR AN EFFECTIVE DATE**

Mayor Ruane asked that this item be delayed and re-advertised.

Council agreed by consensus.  
 Councilman Jennings moved, seconded by Mayor Ruane, to excuse Vice Mayor Denham at 2:09 p.m., from the remainder of the meeting due to an appointment with Representative Aubuchon.

The motion carried

**Recommendation to the Lee County Board of Commissioners to appoint Sanibel resident Jean Ann DeWalt to the Lee County Human Services Council as the appointee from Sanibel**

Mayor Ruane moved, seconded by Councilman Jennings, to recommend to the Lee county Board of Commissioners to appoint Ms. Jean Ann DeWalt to the Lee County Human Services Council.

Public Comment  
None

The motion carried.

**NEW BUSINESS**

**Staff report regarding options to address developed abandoned and distressed properties**

Ms. Zimomra advised that staff was working on the topic of distressed due to the down turn of the economy with a more aggressive approach.

Mr. Jim Jordan gave a brief report regarding the above as follows:

- The proposed ordinance would provide triggers to address abandoned and/or distressed properties
- After notification properties would become registered
- Anticipate within the first 30 days of notification abatement begins
- If needed issues would go to a hearing examiner
- Showed several properties in need of repair

Discussion ensued regarding other communities dealing with the problems, challenge when property owner can not take care of property and bank had not stepped in, staff would work with the homeowner, and Mr. Jordan advised that this was not yard mowing legislation.

Mayor Ruane moved, seconded by Councilman Harrity, to forward the proposed legislation to the Planning Commission

Public Comment  
Jean De Walt proposed consulting with homeowners associations.

Karen Storjohann spoke to her concern of no steps for outward appearance, such as a yard in disarray that looks abandoned while issue was being resolved.

Discussion ensued regarding looking at multiple options, and attention to homes that look distressed.

Public Comment  
None

The motion carried

**Discussion and update regarding Community Housing Resources (CHR) issues**

Mayor Ruane spoke to the following:

- Received a call from Lee County auditor regarding CHR
- No steps for City intervention
- Series of reports
- City Manager & Mayor had appointment with the County Manager

- Letter from CHR Board
- Requested a summary of all reports, which was submitted
- Indicated to County that multiple reports submitted beginning late December through January was a lot

Richard Johnson, President CHR Board

- CHR not fulfilling mission
- Board members committed
- Limited equity ownership added to the CHR Program
- Land Trust owns property and structures owned by individuals – Center Place
- Two homes available
- Last four to five months working toward meeting obligations

Ray Pavelka, Vice President, CHR Board

- Moving in right direction to get on track
- Closed on an limited equity homes in Sanibel Highlands
- Working with three individuals for ownership
- Tuscan and Associates completed an audit
- Appropriate responded to issues
- Dealing with left over Center Place account payables and diminish list over the next 60 to 90 days

Discussion ensued regarding challenges noted in the report was education from community housing to limited equity, Mr. Pavelka stated that CHR not in a position to accept any new responsibility, concerns about the management and personnel team, Mr. Johnson reiterated that he became President because Ray Pavelka was a member and would be vice president of the Board, treasurer position was a past weakness, skill set necessary to be successful, Mr. Johnson spoke to looking for new Board members and Gloria Sago, Lee County conducting a workshop for staff to perfect and understand the application process, Mr. Pavelka spoke to being on the search committee for an Executive Director, chosen candidate did not accept offer and now scheduling interviews with the additional three candidates and a new applicant, limited equity identified as an issue, Mr. Pavelka spoke to growing the master lease program on and and/or near the island and candidates only available to pay lower rents and losing money, he advised that the Board decided to close the program and now have 2 units expiring in April/June and will then be out of the program, changed accountants, reporting through September , 2010, training staff, adopted a Strategic Plan, May 31, 2011 compliance date, CHR received grants from SHIP and Home loan Programs that put allocations on homes for sale, units needed to be closed within a certain period or loss the grant money, Lee County extended the funding for 6 months, \$70,000 one home, \$40,000 for a second loan with a liability in the two remaining homes totaled at \$110,000 and have until March 31, 2011, City Manager and Mayor met with County staff and recognized that CHR was not the only program having challenges, and Mayor's purpose to provided information to Councilmembers.

## **CITY MANAGER LISTEN**

### **Informational Items**

#### **2010 Crime Statistics**

Chief Tomlinson reported the following:

- UCR Crime down 7.5%
- Assault down 45%
- Theft down 5%
- Decrease in vehicle theft 66%
- Decrease in ordinance infractions 35%
- Decrease in traffic accidents 10%
- Productivity numbers have increased

**Integrity Fixed Income Management, LLC report of December 31, 2010 regarding the City's Operating, Reserve, Surplus and Restricted Funds**

Councilman Pappas stepped out of the room at 3:06 p.m. and returned at 3:19 p.m.

Two gentlemen from Integrity gave a brief report.

**City Investment and Performance Reporting  
City of Sanibel Investment Performance period ending December 31, 2010**

Burgess Chambers gave the following report:

- Both Police and General Employees systems define benefit in nature
- 14% returns as of December 31, 2010
- 70% increase in equity values as of December 31, 2010
- End of February returns at 8.5%
- Anticipate a fiscal year double digits

Discussion ensued regarding concerned about another correction and dovetailed convertible securities in both the Police Pension and General Employees Pension Plans, Mr. Chambers stated that a lot of commercial contracts dealing with oil use hedging, consumer feels the impact of gas prices, there is currently a strategic load of oil storage and tankers carrying curd, 64% of oil was imported, Mr. Chambers spoke to the investment policy as follows:

- Allow convertible security
- General Plan target 5% for convertible Police Plan provision was 10%
- Money removed from other equities
- Only changes was allocation and remain in compliance
- Trying to modulate inherent risks

**RESOLUTION 11-023 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**

**RESOLUTION 11-024 APPROVING THE INVESTMENT POLICY STATEMENT ADOPTED BY THE BOARD OF TRUSTEES OF THE CITY OF SANIBEL MUNICIPAL POLICE OFFICERS' RETIREMENT TRUST FUND; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 11-023 and 11-024.

Mayor Ruane moved, seconded by Councilman Harrity, to adopt Resolutions 11-023 and 11-024.

Public Comment

None

The motion carried

**City's Quarterly Financial Report**

Ms. Zimomra noted the report.

Report regarding Off-shore oil drilling mailing with Resolution 10-010 to Governor Scott, Lt. Governor Carroll and the Lee County Legislative Delegation  
2010 Recreation Center membership report  
2010 Housing Construction Statistics  
Building Department Monthly Revenue Report for January, 2011  
Building Department Monthly Permit and Inspections for January, 2011  
Planning Department Permit Activity Report for January, 2011  
Planning Department Code Enforcement Activity Report for January, 2011  
Attendance at the Florida League of Cities Legislative Action Days March 21 and 22, 2011 in Tallahassee  
Sanibel Historical Museum and Village Inc., US exempt organization tax return for year ending September 30, 2010  
Lee County Visitors and Convention Bureau  
Lonely Planet Project  
Ms. Zimomra noted the above for was information purposes.  
Discussion ensued regarding Councilman Jennings desire to attend the Florida League of Cities Board of Directors meeting and the Legislative Day.

Mayor Ruane moved, seconded by Councilman Harrity, to approve Councilman Jennings going to FLC Legislative Day in Tallahassee.

The motion carried

## **CITY ATTORNEY'S REPORT**

## **COUNCIL MEMBERS' REPORT**

Report of the Friday, January 14, 2011 Tourism Development Council (TDC)  
Mayor Ruane spoke to the following:

- Light agenda
- Challenges for initial grant packets submitted
- \$8 million is requests
- \$4.5 to \$5 million available for funding.

Councilman Pappas spoke to new challenges for the City.

## **PUBLIC COMMENT**

None.

There being no further business, the meeting was adjourned at 3:43 p.m.

Respectfully submitted by,

Pamela Smith, MMC  
Sanibel City Clerk