

10. **CONSENT AGENDA**

- a. Approval of minutes – January 04, 2011 and February 01, 2011 Regular Meetings

**SANIBEL CITY COUNCIL REGULAR MEETING
JANUARY 04, 2011**

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

Councilman Pappas 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)

Proclamation proclaiming Arbor Day, January 28th beginning at 11:00 a.m. at Sanibel School

Councilman Harrity presented the proclamation to Berdenna Thompson, Vegetation Committee member. He noted that Ms. Thompson was in her 20th year of planting trees on Arbor Day at Sanibel School.

Ms. Thompson stated that the official Arbor Day was Friday, January 21, 2011, but would be celebrated on Friday, January 28, 2011 due to school closure. She further noted that the tree would be planted

Public Comments

Jim Lavelle agreed with the changes to the pension plan. He spoke to the total unfunded liability was \$20 to \$24 million dollars. He stated the he understood that according to statute amortization would take place over 30 years. He asked if that number was changed to 10 years. He also spoke to his agreement to approve the Verizon application.

Mr. Cuyler advised Council that there was an item on the agenda regarding the pension plan and Council would need to decide if they wanted to take comments now or during the agenda item.

Mayor Ruane spoke to the following:

- Unfunded liability was a combination of police and general
- Not taking into account of the smoothing effect
- The City actuary indicated that it was his opinion that the state would not accept the City's plan as is
- Amortization was decreased due to state – some items 20 years and some items 10 years

Claudia Burns requested that item (f) on the Consent Agenda be pulled for discussion.

Karen Storjohann asked if item (j) had been pulled for discussion.

Mr. Cuyler stated there was a request, but had not been pulled.

Council Comments

Councilman Harrity wished everyone a Happy New Year.

Vice Mayor Denham also wished everyone a Happy New Year.

Councilman Jennings also wished Happy New Year. He further requested that staff check with all governmental entities for placement of a cell tower at the Lighthouse.

Ms. Zimomra requested a motion from Council.

Councilman Jennings moved, seconded by Vice Mayor Jennings, to direct staff to investigate the feasibility of adding the Lighthouse property as a cell tower site.

Discussion ensued regarding the ordinance already allows cell towers on City-owned property, even though the City owns the Lighthouse property there was environmental issues, 10 years ago all sites reviewed, Ms. Zimomra noted that the City did not own the Lighthouse site at the time the ordinance was adopted and the land transfer came with a variety of strings, and the application was made by Verizon for the Donax Plant site, any time frame to make a decision, Mr. Cuyler stated in order to add another site an amendment to the ordinance was in order and may take another five months, he further stated that staff would want to bring in a consultant, and believe it would cause a problem with the Verizon application process, Verizon mentioned the Lighthouse site as a preferable site at the December 07 City Council meeting, thought the Verizon application was a settled issue and 4 to 5 months to optimistic in amending the current ordinance, staff would just be looking at the Lighthouse site as a possible cell tower site, Verizon may want to hold off for the results, ordinance would need to be amended to add another site, and Donax site a City-owned site within the current ordinance.

Vice Mayor Denham withdrew his second.

The motion failed for the lack of a second.

Councilman Pappas spoke to a resident questioning the process of the Invocation and he would not bring before Council for discussion. He stated that the Invocation was a common practice through out governmental entities and he recognized that there are people with a different opinion. He further stated when he does disagree; he remained quiet out of respect or tolerance of another's spiritual values.

Vice Mayor Denham spoke to his frustration with the microphones on the Council dais.

Ms. Zimomra stated that the project was out to bid.

Scheduling of a Special Meeting on Tuesday, January 18, 2011

Mr. Cuyler spoke to the following:

- Council contemplating the second reading and public hearing for the pension ordinance on February 01
- Pension Attorney taking longer to review
- Question was if City Council wanted to have a meeting for the first reading of the pension ordinance, as well as other minor items for January 18, 2011

Discussion ensued regarding no modifications could be made, but could raise the multiplier, but could not decrease the multiplier, 60 days implementation period from February 01, item (j) was a confirmation of Council's decision, Mr. Cuyler stated that certain decision were made and item (j) was the official record of Council December 15th decision and also add a status report of the cell tower, Mr. Cuyler stated that the first reading would be January 18th with second reading February 01, aren't special meetings one item meetings, Mr. Cuyler stated that a special meeting was anything other that a regular meeting,

Councilman Pappas moved, seconded by Vice Mayor Denham, to hold a Special City Council meeting Tuesday, January 18, 2011 at 9:00 a. m. to have first reading of the pension ordinance and anything else the City Manager deems necessary.

The motion carried.

CONSENT AGENDA

Ms. Zimomra asked that item (b) be pulled for consideration at another Council meeting. Claudia Burns asked that item (f) be pulled. Councilman Jennings asked that item (i) be pulled for discussion. Karen Storjohann requested that item (j) be pulled for discussion.

- b. 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 as described in its proposal dated November 16, 2010. The proposal is attached. This budget amendment does not increase or decrease the FY11 budget)

This item pulled for consideration at another City Council meeting.

- j. Authorization for the Mayor to sign the Findings and Order of the City Council relative to the results of the Public Hearing held on December 15, 2010 to resolve the impasse between the City and the American Federation of State, County and Municipal Employees concerning the General Employees' Retirement Plan

Public Comment

Karen Storjohann spoke to her disagreement of the proposed pension amendments. She suggested that 2% would be a decent multiplier for those employed before Hurricane Charlie and appoint a citizens committee to review compensation.

Ann Yarnoff spoke to her agreement with the pension amendments and felt Council overreacted with the 1.68% multiplier and cutting employee's pension by less than 50% shows no compromise.

John Carney spoke to the retired highly paid residents of the island, and should treat employees with honor and respect.

Chrissy Andrews spoke to her review of financial pension statements since 2003. She stated that in 2003 the assets equaled the unfunded liability. She further advised that there was an unfunded liability, but due to reporting standards it did not show. She explained in 2004 the method changed and an unfunded liability of \$5.6 million and in 2005 the unfunded liability decreased to \$5.1 as the unfunded liability was amortized into the pension plan. She added that in 2006 the plan was amended adding a cost of living allowance, which increased the liability and 2 additional pension board position; 2006 unfunded liability increased to \$6.3 and \$7.4 in 2007; 2008 and 2009 the plan negatively impacted by the economy with losses of \$.29 million in 2008 and \$.8 million in 2009 with a cumulative affect of \$3.7 million market loss. She further spoke to the history of the pension plan and putting a cap on the adjustment of the cost of living, a cap on the pension salaries and changing to a defined contribution plan.

Claudia Burns spoke to her agreement to increase the multiplier to 2%.

Mayor Ruane spoke to the following:

- Went to Tallahassee to make assets more liquid in the state investment pool
- Became pension liaison
- Pension Board went to monthly meetings open to the public
- Reviewed options
- Council hired an outside actuary
- Went from an unfunded liability of \$0 to \$18million
- Defined benefit plan require the City to make the plan whole that includes 3 assumptions
 - Investments
 - Turn over
 - Salary
- Turn over component the largest factor of the unfunded liability
- Technique called smoothing, which defers the loss

Discussion ensued regarding pension meetings open to the public.

Jim Hanlan spoke to the reaction from Councils ad van guard and pension issue being experience by all governmental entities and should stand by the decision. He stated that the diminishment of pension was not a big deal.

Mayor Ruane moved, seconded by Vice Mayor Denham, to approve the above-mentioned item.

The motion carried

f. **RESOLUTION 11-002 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-007 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$1,732,100 of grants from the Lee County Tourism Development Council (TDC) for various projects for fiscal year 2010-11 including: 1) \$946,500 for Sanibel Facility/Beach Maintenance; 2) \$102,000 for dune walkover replacement; 3) \$90,000 for Bailey Beach restoration; 4) \$280,000 for a family restroom at Bowman's Beach and 5) \$313,600 for completion of the restroom at Lighthouse Beach. See attached agreements. These are all new sources of funds for FY11 which collectively increase the FY11 budget by \$1,732,100)

Claudia Burns spoke to the amount of grant funds to be received from the Tourism Development Council (TDC).

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

Vice Mayor Denham moved, seconded by Mayor Ruane, to adopt Resolution 11-002.

Public Comment
None

The motion carried.

i. Reject bid submitted by Winfield construction and award City Hall roof replacement contract to Advanced, Inc., dba Advanced Roofing and Sheet Metal in the amount of \$233,670 utilizing the painted galvalume option and authorize the City Manager to execute same (This project is in the adopted Capital Improvement Program budget)

Councilman Jennings spoke to the following:

- Painted aluminum around \$16,000 more that the galvlume
- Concerned about the warranty

Gates Castle, Public Works Directors spoke to the following:

- Warranty in specs was a 20-year warranty
- 5-year labor warranty
- 35-year manufacturing warranty
- The Winfield Construction bid could not provided a required warranty
- Low bidder was \$73,000 more for the aluminum
- Recommend the second lower bidder

Councilman Jennings moved, seconded by Mayor Ruane, to reject the Winfield Construction bid and award the contract to Advanced Roofing.

Public Comment
None

The motion carried.

- l. Request from the Yachtsman's Cove Property Owners Association for a waiver of fees associated with a variance application **AND RESOLUTION 11-006 AUTHORIZING AN APPLICATION FEE WAIVER RELATING TO A UNIQUE DEMONSTRATED HARDSHIP CONCERNING A FENCE SETBACK APPLIED FOR BY THE YACHTSMAN'S COVE PROPERTY OWNERS ASSOCIATION; AND PROVIDING AN EFFECTIVE DATE**

Vice Mayor Denham stated his question was one of process and should the item be deferred due to receiving the information late.

Ms. Zimomra stated that staff did adhere to a strict deadline and the reason for the inclusion of this item was because they are on the January 25, 2011 Planning Commission meeting.

Other Councilmembers noted they were in agreement to having this item added to the Council agenda.

Mr. Jim Jordan, Planning Director spoke to the following:

1. Waive the variance fee for the variance application
2. Install a pool fence required by the state
3. Staff could not grant administrative relief
4. Pool non-conforming
5. State would not allow fence to be placed on the pool deck
6. Does not set a precedent

Discussion ensued regarding not having the opportunity to speak with the City Attorney, was waiving the fees a wise course of action, Mr. Cuyler stated that as part of the redevelopment process there would be a recommendation to address this issue in the code, does staff recommend the fee adjust, and Mr. Cuyler answered yes..

Ms. Zimomra read the title of Resolution 11-006.

Councilman Harrity moved, seconded by Mayor Ruane, to adopt Resolution 11-006.

Public Comment

Bart Smith spoke to the ordinance requiring one thing and state statute requiring another thing the reason for coming to Council.

The motion carried.

- g. **RESOLUTION 11-003 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-008 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$48,822 from the West Coast Inland Navigation District (WCIND) for marine enforcement. A copy of project L-305 is attached. This amendment increases the FY11 budget by \$48,822)
- k. Approve Budget Amendment to appropriate funds for the dredging of the Shell Harbor canal entrance and authorize the City Manager to enter into a contract for the work **AND RESOLUTION 11-004 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-009 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$30,000 to dredge the mouth of Shell Harbor; \$20,000 of the project cost will be provided by Sanibel Marina and \$10,000 will be provided by the City of Sanibel)

Ms. Zimomra read the titles of Resolutions 11-003 and 11-004.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolutions 11-003 and 11-004.

Public Comment
None

The motion carried.

- a. Approval of minutes – December 02, 2010 Special Meeting, and December 07, 2010 Regular Meeting
- c. Request from the Sanibel-Captiva Audubon Society for approval of their entire Wildlife Conservation Lecture Series as one Special Event Permit to be held each Thursday evening beginning Thursday, January 06, 2011 and continuing on 01/13, 01/20, 01/27, 02/03, 02/10, 02/17, and 02/24 at the Sanibel Community House (SCA)
- d. Acceptance of 2010-2011 Lee County Community Development Block Grant funding in the amount of \$20,237.56 to replace segments of the Historical Village and Museum walkway restricting mobility and accessibility of elderly and handicapped persons and replace the crushed shell handicapped parking spaces at the Historical Village and Museum with concrete; and authorize the City Manager to execute the contract (these funds will increase the FY11 budget by \$20,237.56)
- e. Request from BIG Arts to have wine served at a reception on January 14, 2011
- h. Award a three-year sludge hauling contract to Karle Enviro-Organic Recycling, Inc., to haul and dispose of wastewater sludge and authorize the City Manager to execute same (The pricing for the next 3 years respectively are \$78.10, \$83.10 and \$88.10 per 1,000 gallons; an average 28% reduction from current prices. This cost was included in the adopted FY11 budget) Vice Mayor Denham moved, seconded by Councilman Harrity, to approve items a, c, d, e, and h.

Public Comment
None

The motion carried.

Council convened at 10:26 a.m.

Council reconvened at 10:42 a.m.

OLD BUSINESS

Planning Commission Reports

Planning Commission Report

Commissioner Chris Heidrick gave the following report of the Tuesday, December 14th Planning Commission meeting:

- No business for December 14th Planning Commission meeting

Scheduled update from the Planning Commission regarding Resort Housing District Redevelopment Study

Commissioner Heidrick gave the following report of the Resort Housing District Redevelopment Study:

- Clear set of regulatory definitions
- Matrix of 20 topics

- Items above moved to the Planning Commission for discussion
- Draft ordinance before the Planning Commission meeting on January 25th

Discussion ensued regarding areas of struggle being lot coverage, and suggested contacting Sarasota County for suggestions.

Staff report and direction regarding the proposed Dunlop Road Shared Use Path

Ms. Zimomra spoke to the following:

- Include in the FY11 budget extension of the Dunlop Road Shared Use Path
- Staff asked for direction
- Several options in one area
- Subsequent design regarding signage, lighting and the SCA crosswalk would come back to Council
- Alignment from Sanibel Police Department driveway to Wooster Drive
- B.I. G. Arts requested that option 5 be removed and submitted an option 6
- Staff evaluate the B.I.G. Arts option
- Staff goal was for Council direction was during the least amount of island traffic

Mr. Gates Castle spoke to the following:

- Project from Periwinkle Way to Dunlop Road and Wooster Drive
- South side of roadway have wetlands and gopher tortoise habit
- Option 2 roadway curb constructed and encroaches on tortoise habitat
- Option 3 utilizes east bound lane & widen west-bound lane to accommodate traffic
- Option 4 - build a new 2 lane road
- Option 5 – B. I. G. Arts – to use east bound lane to accommodate traffic - would encroach in habitat & wetlands
- Option 6 – B.I.G. Arts – retain east bound lane & put Shared Use path on the north side

Discussion ensued regarding staff recommendation was not option 6 due to safety concerns, Ms. Zimomra stated that different department would have different issues.

Chief Tomlinson spoke to his concern of Option 6 – does not reduce cross traffic across driveways and cases conflicts with the inter connectivity. Meets the standard of increasing parking, which was the lowest standard and not endorsing #6

Dr. Rob Loflin spoke to the following:

- Option 3 works best from the environmental and green space perspective

Discussion ensued regarding the vegetation island on Wooster, Mr. Castle stated that all options with the exception of Option 1 would reduce the vegetation and all options reduce the vegetation about the same, some vegetation would remain, stake out roadway and give a 5-foot recovery area and once recovery area established buffer would be considered, Councilman Jennings brought another option forward that would increase the B.I.G. Arts area and utilizing the bike path from environmental concerns, Mr. Castle spoke to Jennings revised design eliminates the path connecting the parking lots, less than option 4, why should the interconnectivity be eliminated, Mr. Jennings stated there was a path and held redundancy and control of the environment. Mr. Castle spoke to trying to eliminate too many mid-path cross walk, Option 4-J safer; Chief Tomlinson stated option J-4 did not allow the inter-connectivity and elimination of Option 6.

Public Comment

Gloria Hannon objected to re-routing Wooster Lane and stated the re-routing would increase traffic and sound. She further stated that Option 1 would protect her property.

Michael Hannon objected to re-routing Wooster Lane.

Louise Johnson spoke to a study completed by the Conservancy in Washington, D.C. and emphasized was not to over do intensity of use. She stated that areas were allowed to be developed only if ecosystems were considered. She further stated that spending \$400,000 for the project was a folly.

Dick Clark spoke in favor of option 4.

Richard Boehning spoke to the B.I.G. Arts' only concerns were the options. He further stated that options 1, 2, 3, 4, 4J 5 and revised 5 (later withdrawn) and 6 and 47,000 visitors came to B. I. G. Arts in 2010. He advised that B. I. G. Arts would be operating in the present location with current location for the foreseeable future. He further stated that Option 6 had the bike path on the north side and the options 3 and 4 put the path on the south side of road and create two duplicate paths. He spoke to safety and number of crossovers in option 3, which is 2; option 4 crosses Dunlop twice; option 6 has 2 crossovers; revised option 6 shows three crossovers; the number of driveways the path would cross; option 3 crosses five driveways; option 4 crosses five driveways; option 6 crosses 6 driveways; 80% of path users head toward businesses on the north side of Dunlop Road; option 3 saves more trees; option 6 save more mature trees; options 3, 4 or 6 pose not threat to wetlands or gopher tortoise. Big Arts recommends option 4.

Bill Sartoris spoke to the Bike Club recommended option 3.

Karen Storjohann spoke to the absent of consideration of wetlands and gopher tortoise in option

Ralph Clark stated that option 4 or option 6 did not encroach on the gopher tortoise habitat and option 4 does not have further safety issues.

Jim Hanlan spoke to making a commitment to more paths and Option 4 being a good alternative to option 6.

Patty Sousa spoke to not making decisions on things that happen 3 to 4 months a year.

Claudia Burns asked if Director Jordan could give a history for past years.

Dorothy Donaldson spoke to leaving Dunlop Road as it is today.

Ms. Zimomra stated Council and B.I.G Arts could give that information.

Mr. Jordan spoke to the following:

- North side of Dunlop Road with the exception of the Library was owned by The City of Sanibel BIG Arts and Historical village and Library moved to the City Hall site
- Option 3 safer and preserve green space
- Best option for preserving green space without being developed in the future

Discussion ensued regarding BIG Arts not able to survive with option 3, can't close out the option of further development for Big Arts, asked Chief Tomlinson to speak to the bike path, Chief Tomlinson , Dunlop and Wooster not unsafe, if improvements made must do not change character, BIG Arts should not expand on the current site, Denham would not support BIG arts expansion, need a master plan of the whole area, why is a bike path needed, is the area unsafe, Chief Tomlinson stated that area was unsafe, if path was built must be built safely, Chief Tomlinson stated the concern was at Wooster ad the potential, option 4 meets the safety requires, why was Dunlop Road put in the Shared Use Master Plan, Mr. Caste stated that when going through the master plan process and public outreach program, calculated the placement for shared use paths, completed when funding was provided, anytime when paths were

constructed, what type of acquisitions were necessary, with the gulf pines acquisitions an easement was purchased and step one for long term plans, when plans and construction would take place, if B. I. G. Arts moved would it be placed, option 4 based on B. I. G. Arts objectivity it may be due to the code, B. I. G. Arts would like to re-work the open space and improvement ingress and egress and consider adding a parking lot and may continue with Shien Hall location.

Karen Storjohann spoke to the B.I.G. Arts contract that says if they should expand or go elsewhere the City must pay for BIG Arts improvements, and would have to pay if the historical portion were destroyed.

Mr. Cuyler stated that would be if the City terminates within 180 days and the City would not have to pay if BIG Arts

Gloria Hannan stated that the next option would be option 6. May need to put in a big protection for vegetation.

Discussion ensued regarding option 4 addresses most concerns, option 4 J would give B.I.G. Arts more flexibility.

Councilman Jennings moved to use option 4-J.

Mr. Castle stated that 4J option eliminates the interconnectivity and have one crossing on Dunlop Road and possible connectivity was important.

Chie Tomlinson agreed with Director Castle.

Discussion ensued regarding regrouping and allow only walkway, do not change the ambience of the area, mistake making it a very attractive area, and in order to build a path should not be preoccupied with the BIG Arts expansion.

Motion failed for the lack of a seconded.

Councilman Harrity moved, seconded by Councilman Jennings, to approve option 4.

Public Comment

Patty Sousa spoke to consider option 3

Ralph Clark stated that option 3 would take out 3 major trees from the Boler garden and replace them with black top.

Mr. Castle stated that it would cost \$33,000 to have option 4 rather than option 3

Claudia Burns stated that option 4 puts the road within 5 feet of the bike path and how does that improve safety.

Michael Hannan spoke to comments leading to BIG Arts interest and the concern for the people who live in the Wooster Lane area and a decision that would seriously affect property values.

Dorothy Donaldson spoke to the beauty of the Historical Museum & Village.

The motion failed 3 to 2 with Vice Mayor Denham, Councilman Pappas and Mayor Ruane voting in opposition.

Discussion ensued regarding option 3, \$33,000 difference in option 3 and 4, the work that had been accomplished and to proceed with the path.

Mayor Ruane moved to adopt Option 3.

Mayor Ruane withdrew the motion.

Mayor Ruane moved, seconded by Councilman Harrity, to table indefinitely.

Public Comment

Patty Sousa asked if there would be no improvements and does not make sense to have a plan with easements in place and do nothing.

Council asked Mr. Castle how to build a path without dealing with the box.

Mr. Castle spoke to the following:

- Portion along Periwinkle Way and include in the Dunlop Road shared use path
- Crosswalk at community center and the cross walk at St. Michaels could be addressed separately
- SCA crosswalk could be addressed
- Proceed and complete the interconnectivity at a later date

Discussion ensued regarding no objection to the constructing the path east of the box (B.I.G. Arts), and the City Manager asked that Council give the staff an opportunity to bring back a conceptual plan at Council's January 18th or February 01, 2011 meeting.

Vice Mayor Denham moved, seconded by Mayor Ruane, to consider everything on the east side outside the box (B.I.G. Arts) and bring back a conceptual plan for Council's consideration.

Mayor Ruane and Councilman Harrity withdrew their motion to table indefinitely.

Public Comment

None

The motion carried.

Council recessed at 12:53 p.m.

Council reconvened at 1:05 p.m.

COMMITTEES, BOARDS, COMMISSION
City Council Liaison to Planning Commission

January 11, 2011	Councilman Pappas	Report of 01/04/11CC Meeting
January 25, 2011	Councilman Jennings	
February 08, 2011	Councilman Harrity	Report of 02/01/11CC Meeting
February 22, 2011	Mayor Ruane	
March 08, 2011	Vice Mayor Denham	Report of 03/01/11CC Meeting
March 22 , 2011	Councilman Harrity	Report of 03/15/11 CC Meeting

Mayor Ruane to appear at January 25, 2011 and Councilman Jennings would appear on February 22, 2011

Resort Housing District Redevelopment Study reporting schedule to City Council from the Planning Commission

- i. Tuesday, March 01, 2011
- Tuesday, May 03, 2011
- Tuesday, July 19, 2011

RESOLUTION 11-001 APPOINTING MEMBERS TO THE SANIBEL PLANNING COMMISSION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 11-001.

Mr. Cuyler passed out ballots.

Councilman Pappas asked if he could write in a name and Mr. Cuyler answered yes.

Mr. Cuyler announced the votes.

Ketteman	4
Krekel	4
Reynolds	5
Talamdge	2

Vice Mayor Denham moved, seconded by Mayor Ruane, to adopt Resolution 11-001 and re-appoint Mr. Ketteman, Mr. Krekel and Mr. Reynolds.

The motion carried

Letter of resignation from the Lee County Human Services Commission from Michael Cuscaden and direction to staff concerning a replacement

Mayor Ruane asked that a letter of thanks be sent to Mr. Cuscaden.

Ms. Zimomra stated that staff would advertise the vacancy.

Council agreed by consensus to advertise.

NEW BUSINESS

Approval of conceptual design in order to proceed with the additional Lighthouse Beach restroom

Ms. Zimomra spoke to the design for the new Lighthouse Beach restroom on the beachside. She further stated the design would be built like to boat ramp rest room and similar to the Community Park restroom with the exception of the height. She also stated that due to the restroom being in the new V Zone the restroom would be elevated to comply with federal regulations.

Gates Castle, Public Works Director spoke to the following:

- Most park on the gulf side
- TDC funding
- Dedicated men, women and family restrooms
- Storage for mechanical supplies
- Solar lighting
- Above base flood elevation necessary to comply with FEMA guidelines
- Sea turtle compliance
- Exterior lighting on all sides
- Drinking fountain
- Outside full shower

- Foot shower with a concrete pad

Mayor Ruane moved, seconded by Vice Mayor Denham, to proceed with the design.

Public Comment

None

The motion carried

Request from Robert Coscia for the City of Sanibel to participate financially (as adjacent property owner) in the construction of a subdivision roadway extending from Bowman's Beach Road (18-46-22-T1-00002.012, Lot 12 of Unrecorded Leisure Acres Subdivision)

Ms. Zimomra stated that staff and Mr. Coscia attorney Bob Pritt was available. She spoke to the following:

- Parcel platted pre incorporation
- Drawing supplied in a supplemental packet and discussion for over one year
- Meetings and various communications with Attorney Pritt regarding options
- Natural Resources access City property for City maintenance
- Existing driveway sufficient for City purpose
- Under City code the road must be developed to road standard so properties could be adequately serviced
- Memo from Public Works and Sanibel Fire Department
- Staff recommendation was for the City to pay equal amount
- Policy decision was how other property owners would be treated and City involvement in encouraging and/or requiring other property owners to participate

Mr. Robert Pritt spoke to the following:

- Property owned by Joseph Coscia, Jr. Trustee
- 2 lots combined in to one parcel
- City purchased most Leisure Acres subdivision
- City code does not allow a development permit until a roadway was built to City standards
- Private streets included in the code, which states a private road must be designed at the same standards as a public road
- Unrecorded subdivision
- Discussions with staff
- Sanibel standard road 18 feet in width
- Would like to leave driveway as is
- Staff has legitimate concerns
- Mr. Coscia willing to develop a shell road going to a little less than halfway and ask it go further so the T-turn around would be past his driveway
- Roadway 12-foot wide
- Mr. Coscia would pay two sevenths
- Would like to have a development permit, driveway to his property, leave rest of the road as is today
- Can not issue development permit due to no roadway
- Including City-owned properties there were 7 owners
- City complete the project and bill property owners

Discussion ensued regarding accepting the roadway should meet minimal standards, Mr. Pritt stated that minimal standards was 12 feet wide and asking for a waiver for the 18-foot roadway, Mr. Cuyler stated the staff was not in disagreement of the road design for functionality and design, Mr. Cuyler continued to advise that a question was rather the City was interested in participating, who pays and where the money would

come from, deciding as a landowner versus as a regulatory agency, who would build the road, where would the remainder of the money come from, some mechanism where other property owners pay their fair share, Fire Chief Duncan's written memo for a 18-foot road, Ms. Zimomra asked that Council give Mr. Castle the opportunity to speak, reducing the road from 18 feet to 12 feet, how to accumulate the money, has Mr. Coscia approached other property owners, Mr. Coscia stated he spoke to Jane Barrett property and as amendable to participating in the roadway project, Mr. Coscia stated that Joseph Workman's property up for sale, would Mr. Coscia consider contributing his fair share, Cordy, Workman, Barrett, 2 Coscia parcels and 2 City parcels, Mr. Cuyler stated that there was a mechanism for roadway assessment, which allows 80% of property owners petition Council for paving and impose the cost on all owners, or pave and impose cost, regulatory mechanism where the roadway was built and owners agree to pay now and when owners want a development permit the cost would be passed on, Mr. Cuyler stated there were issues of spending public money for a private roadway, but since the City owns several parcels and Council wanted to let bids and control the contractor Mr. Cuyler was comfortable with that decision, if made, Mr. Cuyler stated that assessment was being used in a generic way, and he stated that if the City decides they are not interested the other property owners would not meet 80% required for an assessment district.

Mr. Pritt spoke to:

- City an owner and regulator
- Can not receive a development permit without creating a road
- Like a developer agreement when the work was done and assurance that money would be repaid
- Makes sense that the City should build the road

Discussion ensued regarding Mr. Cuyler stated that when the contract was let for road building the money must be in the bank and Ms. Zimomra stated that Peachtree was similar and Mr. Cuyler advised that the estimate was \$67,000 up to a turn around, approximately one-third past the Coscia property.

Mr. Castle spoke to the following:

- Public/private road standards were the same
- Public road was paved and 20 foot in width
- Allowed deviation for a stabilized shell rock and 18 feet in width for emergency vehicles and waste pick-up vehicles

Public Comment

Barbara Cooley spoke to the City purchasing the land for environmental reasons and why build a road in to conservation land.

Mr. Cuyler advised that the roadway would be a little past the Coscia property, but not to the end.

Discussion ensued regarding Mr. Coscia developing the property, costs should be shared, was client willing to pay the balance, if the City pays their 2/7's until other property owners developed their property and collect the funds later, Mr. Pritt stated that was one of the issues and Mr. Coscia would be willing to talk to other property owners and pay his 2/7's, shouldn't decision wait until all property owners are contacted, Ms. Zimomra stated the precedent was that the City pay it's share, Council consensus the City would pay their 2/7's and Mr. Coscia approach the other property owners for the share of funds for the roadway and report back to City Council, what would Mr. Coscia ask the other property owners for to show their agreement or disagreement, Mr. Pritt stated that they would ask the other property owners for the funds up front and if that doesn't happen, continue to work with City staff and come back to City Council.

CITY MANAGER

Informational Items

Causeway Counts for September, October and November, 2010

Building Department Monthly Revenue Report for as of October 31, and November 30, 2010

Building Department Monthly Permit and Inspections for October and November, 2010

Planning Department Permit Activity Report for November, 2010

Planning Department Code Enforcement Activity Report for November, 2010

Ms. Zimomra noted for Council the information above.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Report of the Wednesday, December 08, 2010 Metropolitan Planning Organization (MPO) meeting

Mayor Ruane spoke to the following:

- ATTPL study would be implemented or considered in the 2035 plan
- 2035 long range transportation plan to bring additional traffic to Sanibel
- Projection of cost was \$6 billion above what they have for funding

Report of the Friday, December 10, 2010 Tourism Development Council (TDC)

Mayor Ruane spoke to the FY 11 budget adopted and overall travel not rebounded from 2007/2008. He cautioned Council regarding the grant funding challenge next year.

Councilman Pappas clarified that public comment could not be taken at first reading of the pension ordinance.

Mayor Ruane asked if staff could utilize the outside actuary if a \$1.5 million was taken from unrestricted reserves to put in the pension fund.

Report of the Thursday, December 09, 2010 South Florida Water Management District Board meeting (SFWMD)

No report.

PUBLIC COMMENT

None

There being no other business the meeting was adjourned at 2:08 p.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk

**SANIBEL CITY COUNCIL REGULAR MEETING
FEBRUARY 01, 2011
9:00 A. M.**

Mayor Ruane called the meeting to order at 9:09 a.m.

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

Members present: Mayor Ruane, Councilman Harrity, Councilman Jennings and Councilman Pappas. Vice Mayor Denham was excused by motion at the January 04, 2011 City Council meeting.

PRESENTATION(S)

Recognition of the Employee of the Quarter, 1st Quarter, Fiscal Year 2010-2011

Mayor Ruane recognized James Gennity as the Employee of the first quarter from the Recreation Center.

Planning Commission Report

Commissioner Holly Smith gave the following report from the January 11 and 25, 2011 Planning Commission meetings as follows:

- Continuation of Resort Housing redevelopment ordinance discussion
 - May be inconsistencies with the Sanibel Plan
- Three conditional use permit hearings
 - First condition use permit also a development application for resort housing – located at Sanibel Inn and Song of the Sea 863 and 937 West Gulf Drive
 - Minimum requirement of 100 units to obtain a liquor licenses
 - Approved merger of two properties and liquor sold only at Sanibel Inn
 - Second condition permit for formula retail store at 1982 Periwinkle Way
 - Already operating in Tahitian Way
 - Adjoining store – Sanibel Soule – request to put a door between the two stores - approved
 - Allow Senegy and Sanibel Soule to operate
 - Third conditional use permit application for Norris Home Furnishings at 1025 Perwinkle Way, Unit 1

Discussion ensued regarding grandfathering and the current door between the two businesses would set a precedence, Mr. Cuyler stated that the Planning Commission did make an interpretation of the current guidelines, referenced a 2007 ordinance grandfathering formula stores, Ms. Smith stated that the two stores would occupy 2,000 square feet, what would prevent this happening again, lengthy discussion at the Planning Commission meeting, violation in the sense that the ordinance was watered down and set a precedence, Mr. Cuyler stated that City council could clarify the law to eliminate the door from happening again, and both businesses have separate license and IRS ID numbers.

- Variance application to allow a swimming pool safety barrier closer than the 20 feet at mean high water line (Yachtsman's Cove Homeowners Association) - approved
 - Did not meet setback
 - Pool fence a safety issue

Mr. Cuyler stated that due to the unique circumstances staff would issue the permit rather than the Planning Commission.

Public Comments

Herb Rubin spoke to his concern that there was not an election and need an incentive to work as a Councilmember. He further stated that re-numeration may be in order. He also spoke to the League of Women's Voters scheduled candidate night and one candidate could not make it.

Councilman Jennings noted that he had not been contacted regarding the above noted meeting.

Karen Storjohann spoke to two applicants before the Planning Commission had already began their business before getting approval. She asked if there were penalties.

Mr. Cuyler stated yes there were penalties and the questions were had staff done everything to make sure that applicants were aware of the rules. He further stated that additional safeguards had been put in place.

Ed Seibert spoke to an article regarding off-shore drilling. He further spoke to a commission being formed and they had already approved 25 new oil rigs with 35 more pending. He noted that Council adopted a resolution against off-shore oil drilling.

Discussion ensued regarding Resolution 10-010 mailed and receiving a response from the governor, the previous resolution should be sent to Jeff Atwater and Governor Scott, believe that Bob Graham watching out for Sanibel and both Sanibel representatives noted that they would not be in favor of oil drilling in the Gulf.

Barry Roth reported that the Recreation Financial Assistance Program was strong for children to attend the after school and summer programs. He also noted that \$50,000 was raised at the New Years Party.

Council Comments

Councilman Pappas spoke to the questions raised by Ms. Storjohann and stated Mr. Cuyler's response were both legitimate. He further stated that he did not run opposed 4 years ago and no challenge for Council seats meaning residents were satisfied or not interested enough to give the time. He noted he felt it was a big surprise and disappointment that there was no election.

Councilman Jennings spoke to legislators opened discussion regarding oil drilling and no permitting was allowed, ten miles off-shore for drilling 2two areas for possible drilling.

Councilman Harrity spoke to Sanibel being special because people step up when needed.

Mayor Ruane spoke making certain that the governor receives a copy of the off-shore oil drilling. He further spoke to the need to contact the candidate for a date to hold a candidates night before scheduling when candidates were expected to attend.

Request to schedule a discussion on Tuesday, March 01, 2011 for the installation of a Shared Use Path on Dunlop Road and Wooster Lane from the Sanibel Library to Palm Ridge Road

Councilman Pappas requested that the boxed area, beginning at B.I.G. Arts of the Dunlop Road Shared Use Path be included as a discussion on the March 01, 2011 City Council agenda. He advised the following had happened:

- B.I. G. Arts, Sanibel Bike Club and COTI met and found consensus to recommend option 4
- Support the request to have further discussion

Discussion ensued regarding supporting an option and vote when Councilmembers come to consensus.

Councilman Pappas moved, seconded by Councilman Harrity, to place on the March 01, 2011 agenda discussion and options for the Dunlop Road Shared Use Path design.

Public Comment
None

The motion carried.

Consideration, by City Council, of a development permit application submitted for the construction of a new 149 feet, above ground level, monopole design telecommunication tower with attached antenna arrays and providing a collocation sharing capacity for 2 additional telecommunications service providers. The proposed telecommunication support structure includes an equipment shelter to house a Base Transceiver Station (BTS), connected via cables to the antenna arrays, an emergency power generator and a 25' X 75' fenced-in area to contain the tower and ancillary equipment installed on City-owned land located at the Donax Street Wastewater Reclamation Facility, at 930 Donax Street, a telecommunications tolerant site. This request is to be processed under the provisions of Land Development Code Sections 126-1561 Application Requirements and 78-7, City Exempt standard. The subject application is filed by Laura B. Belflower Attorney, on behalf of Verizon Wireless Personal Communications LP, d/b/a Verizon Wireless

**Staff Report – Verizon Wireless Personal Communications
RESOLUTION 11-007 APPROVING THE CONSTRUCTION OF A 149 FOOT MONOPOLE ABOVE GROUND LEVEL (AGL) TELECOMMUNICATIONS TOWER, TO ATTACH ANTENNAS TO THE MONOPOLE, CONSTRUCT EQUIPMENT SHELTER TO HOUSE THE BASE TRANSCEIVER STATION (BTS), VIA CABLES TO CONNECT THE BTS TO THE ANTENNA AND TO FENCE IN AN AREA 25' X 75' TO CONTAIN THE EQUIPMENT ON CITY-OWNED LAND AT THE DONAX STREET WASTEWATER RECLAMATION FACILITY, AT 630 DONAX STREET IN THE CITY OF SANIBEL; THE REQUEST IS BEING PROCESSED UNDER THE PROVISION OF LAND DEVELOPMENT CODE SECTION 78-7, CITY EXEMPTED; THE APPLICATION IS NUMBERED 10-5524 AND FILED ON BEHALF OF VERIZON WIRELESS PERSONAL COMMUNICATIONS LP, d/b/a VERIZON WIRELESS; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 11-007.

Mr. Cuyler explained the following:

- Conduct a continued quas-judicial hearing
- Swearing of witnesses
- Ex-parte disclosure
- Decade ago adopted a telecommunications ordinance
- Inclusive was City-owned preferred properties listed by name
- Donax Plant site the eastern most site
- Verizon applied under ordinance
- Question for Council was whether Verizon had submitted an application in accordance with the ordinance

Ex-Parte Disclosure

Mayor Ruane	2 meetings with residents regarding location and proposed site
Councilman Harrity	Read emails
Councilman Jennings	Conversation with residents and read emails
Councilman Pappas	Cell phone message from Tom Krekel and gentleman shook hands this morning and received emails

The City Clerk asked all people in the audience planning to give testimony to be sworn in as follows:

John Morse
Tom Krekel
Dr. Mike Darishing
Dr. Will Salt
Jim Greenwood
Gayle Greenwood
Larkin Hammond
Dr. Lindell Kingsauer
Richard Travis

Roy Gibson, Acting Planning Director spoke to the following:

- Planning Department staff report of February 04, 2011 supplement
- Verizon Wireless submitted additional information
 - 149 foot tower with capacity of 2 additional carriers
 - 38 recommended conditions remain the same
 - Additional information submitted – includes a request to lease a 25 foot by 75 foot area to construct a telecommunications tower
 - Enclosed lease area by fence
 - Construct 149 foot tower with two co-locators
- Alternate on-site location identified by staff
 - Front yard of the Donax Plant site – existing retention area
 - Places tower within 150 feet from center line of Donax Road
 - Inside a retention pond
 - Does not impact any known existing improvement, except the retention area may need to be raised or expanded to retain the same amount of stormwater
 - Verizon accepted alternate location
 - If approved Verizon submit engineering plans
 - Come back to Council with revised site plan
 - Applicant considered changes to height of tower and in lieu of the 149 feet could agree to 130 feet
 - 130 feet reduces the opportunity for other co-location
 - Staff supports the height at 149 feet to accommodate the most co-location opportunities
 - Directed to review alternative design
 - Tower resembling a flagpole, antenna concealed within structure or a Pine tree and antenna concealed within the branches
 - Verizon agreed to the flush mounted antennas same approved at the Wulfert treatment plant site
 - Approximate distance between two sites was 752 feet west of first site
 - Meet applicable FCC exposure risks
 - FAA regulations exempt
 - Tower designed to meet wind load requirements
 - Monopole designed for a 40 foot radius design (vertically not horizontally)
 - All 38 conditions be included with approval

Ms. Bellflower spoke to the following:

- Verizon agreed to flush mount antenna brackets
- Meets all City applicable requirements
- Agreed to move to the western location
- Engineer not completed
- Ability to bring western site engineering to Council
- 130 feet needed – flush mount and flag pole would need two heights
- Co-location would need 149 feet
- New FAA certification
- Letter regarding FAAA compliance submitted
- Tree tower uses t-arm within branches
- Flag pole with or without a flag
- Most that chose a flagpole tower do not fly a flag
- Issues with flying flag, lighting from base, but due to ordinance lighting must be at the top
- No pole designers have done antennas inside the flagpole
- Flagpole design 4 feet wide at the top
- Internal antennas may create a difficulty with design
- Can make either flagpole or tree design work
- Request for approval

Discussion ensued regarding choosing design if there would be a cost to City; Ms. Bellflower stated it would be designed with requirements, and Verizon not responsible for raising and lowering the flag.

Public Comment

Dr. Mike Darishing spoke in favor of the cell tower alternate site. He further spoke to radio wave from the cell tower and may or may not be an issue. He further spoke to a Swedish article that notes personality changes and brain tumor within the cell tower area. He advised that if a brain tumor were to develop the City would be libel.

Dr. Will Salt agreed with the previous speaker.

John Morse spoke to supporting the alternative site and suggested amending language of Resolution 11-007. He further spoke to the flagpole and flag and only needing one employee to put up and take down. He stated that residents would like to have the flag raised and lowered daily.

Jim Greenwood spoke in favor of the alternative site. He further spoke to Craneville, Oregon having a flagpole tower. He recommended a smaller flag and offering a contract to raise and lower the flagpole daily.

Gayle Greenwood spoke in favor of the alternative site. She further spoke to speaking with numerous entities and approved of the

Tom Krekel spoke in favor of the alternative site and flagpole design with flag flying during the day.

Larkin Hammond spoke in favor of the alternative site and flagpole design with flag.

Dr. Lindell Kingsauer spoke to the affect on the bird population. He further spoke to a tower built with birds in mind.

Richard Travis spoke in favor of the alternative location, but recommended in the retention pond area north of Periwinkle Way.

Dr. Mike Darishing spoke to the fact there were changes in songbird population.

Discussion ensued regarding a potential alternative site if engineering could not make the alternative site work, Mr. Cuyler stated that Ms. Belflower stated same that if engineering could not be worked out Verizon would come back to Council, Mayor Ruane abstained at the last vote, Mr. Cuyler stated that the legislature passed a law that unless there was a financial conflict as described in the statute a vote was required, he further stated exception of being incapable of being fair he would give leeway reference voting, but required by law to vote, closed mount if only tower, if flagpole used up lighting needed and size of flag, flag rope hits the pole in the wind creating noise, Mr. Cuyler noted that at some point give Ms. Belflower the opportunity to make any comments, ordinance in place and allow cell towers, if tower designed as a flagpole should be a working flagpole, guide wires more problem with bird kills, tower would not have guide wires, first duty to law, Verizon met requirements, community spoken to have the alternate site and appearance that residents want, why regular tower design dismissed, must decide if a flag would be flown, what size flag, smaller flag appropriate, may be better off removing flag at night, need more information of interior/exterior flag raising, and would like the interior flag pole raising equipment.

Ms. Belflower responded as follows:

- May be possible that the tower photo was less or greater in width than towers were now, but at least two feet wide
- Condition removed for tower to be painted white rather than grey
- Condition removed if flag pole design accepted due to the antenna flush mount would not work
- Option to include lights and could decide later

Discussion ensued regarding preference of flying a flag at tower location all the time would reduce staff time, would like to see design with interior pulley system if technology was available, if possible, 149 feet of flag pole ropes would make a noise during the wind,

Provided technology available to have interior mount and pulley system, for alternative site

Mayor Ruane moved, seconded by Councilman Jennings, to approve the revised site, a flagpole tower design with ability to fly a flag, interior design factor if technology allows, flag flying resolved by staff and adopt Resolution 11-007 as amended with the aforementioned, entering into a lease agreement with Verizon when Verizon comes back to City Council for said lease. In the event the revised site cannot be engineered, the applicant must obtain Council approval for another location at the Donax site.

Ms. Belflower stated looking at the photo simulation the close mounts would be 2 feet off pole.

Public Comment

Gayle Greenwood spoke to flagpole design on Highway 75 in a retention site.

The motion carried.

Council recessed at 11:34 a.m.

Council reconvened at 11:42 a.m.

The City microphone was not turned on the microphone after the break.

CONSENT AGENDA

Councilman Jennings requested that item (f) be pulled.

- f. **RESOLUTION 11-012 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-010 AND PROVIDING AN EFFECTIVE DATE** (to transfer \$200,000 from

the Transportation Fund to the Transportation Capital Project Fund for additional construction costs due to bids exceeding the budgeted amount to replace the Lindgren Boulevard culvert. This budget amendment does not increase or decrease the FY11 budget) **and** Award contract to replace Lindgren Boulevard Box Culvert to Zep Construction, Inc., in the amount of \$821,305.50 and authorize the City Manager to execute same

Ms. Zimomra read the title of Resolution 11-012.

Mr. Castle stated that the culvert was at the end of its useful life and was \$200,000 over budget.

Discussion ensued regarding the height of the culvert would be higher to help with boat navigation, Mr. Castle stated that with the reconstruction there would be a 15 foot width, 7 inches higher and more clearance at low tide, and the roadway limiting factor of height and does not increase budget.

Mayor Ruane moved, seconded by Councilman Harrity, to adopt Resolution 11-012.

Public Comment

None

The motion carried.

c. **RESOLUTION 11-011 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-011 AND PROVIDING AN EFFECTIVE DATE** (To budget \$9,350 in the Capital Project Fund for electrical, fire protection and architectural design services for the City IT room. This budget amendment does not increase or decrease the FYII budget)

d. **RESOLUTION 11-009 DESIGNATING THE TWO CANDIDATES WHO HAVE OFFICIALLY QUALIFIED FOR THE OFFICE OF SANIBEL CITY COUNCIL; FINDING AND DECLARING THAT THE TWO QUALIFIED CANDIDATES ARE UNOPPOSED FOR THE TWO AVAILABLE CITY COUNCIL SEATS; FINDING AND DECLARING THAT PURSUANT TO THE SANIBEL CHARTER, THE SANIBEL CODE OF ORDINANCES AND GENERAL LAW THAT SUCH TWO QUALIFIED AND UNOPPOSED CANDIDATES HAVE BECOME COUNCIL MEMBERS ELECT AND SHALL TAKE OFFICE AS CITY COUNCIL MEMBERS ON MARCH 15, 2011; DECLARING THAT THE CITY OF SANIBEL MUNICIPAL ELECTION SCHEDULED FOR MARCH 1, 2011 IS HEREBY CANCELED SINCE THERE ARE NO OTHER ELECTION CONTESTS OR BALLOT MEASURES TO BE PRESENTED TO THE ELECTORATE AT SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE**

e. **RESOLUTION 11-014 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-013 AND PROVIDING AN EFFECTIVE DATE** (to budget an additional \$35,000 in the Capital Project Fund for MacKenzie Hall audio system replacement due to bids exceeding the budgeted amount to replace the current system. This budget amendment does not increase or decrease the FY11 budget) **and** Award Upgrade City Council Chamber Audio System to Peerson Audio, Inc., up to \$60,000 and authorize the City Manager to execute agreement

h. **RESOLUTION 11-008 ACCEPTING WASTEWATER COLLECTION AND TRANSMISSION SYSTEM EASEMENTS FROM SANIBEL PROPERTY**

**OWNERS FOR THE SANIBEL SEWER SYSTEM EXPANSION PROJECT,
PHASE 4; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN
THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; AND
PROVIDING AN EFFECTIVE DATE**

- j. **RESOLUTION 11-013 APPROVING BUDGET AMENDMENT/TRANSFER
NO. 2011-012 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate
\$1,750 from Zonta for financial assistance for recreation center after school program scholarships.
This amendment increases the FY11 budget by \$1,750)

Ms. Zimomra read the titles of Resolutions 11-011, 11-009, 11-014, 11-008 and 11-013.

Mayor Ruane moved, seconded by Councilman Jennings, to adopt Resolutions 11-011, 11-009, 11-014, 11-008 and 11-013.

Public Comment
None

The motion carried.

- a. Approval of minutes – December 15, 2010 Special Meeting and January 18, 2011 Special Meeting
- b. Acceptance of the Other Post-Employment Benefits (OPEB) October 01, 2010 Actuarial Report
- g. Award Police Department Computer Server Room construction contract to Gulfcoast Consulting Group, Inc., in the amount of \$124,543 and authorize the City Manager to execute same (funds for this project is available in Police Department's FY11 Capital Improvements budget and a portion of the cost may be reimbursed by Lee County Public Safety)
- i. Approval of an Interlocal Agreement between the City of Sanibel, Lee County Emergency Operations Center, Lee County Port Authority, City of Fort. Myers, and Lee County Sheriff's Department for the Code Red Emergency Notification System, which is a cost-sharing project; Sanibel's portion is \$2,900 and authorize the City Manager to execute same (the \$2,900 is within the adopted FY11 budget)

Mayor Ruane moved, seconded by Councilman Harrity, to approve Consent Agenda items a, b, g and i.

Public Comment
None

The motion carried.

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

February 08, 2011	Councilman Harrity	Report of 02/01/11CC Meeting
February 22, 2011	Councilman Jennings	
March 08, 2011	Vice Mayor Denham	Report of 03/01/11CC Meeting
March 22, 2011	Councilman Harrity	Report of 03/15/11CC Meeting
April 12, 2011	Councilman Congress	Report of 04/05/11CC Meeting

Resort Housing District Redevelopment Study reporting schedule to City Council from the Planning Commission

- i. Tuesday, March 01, 2011
- Tuesday, May 03, 2011
- Tuesday, July 19, 2011

RESOLUTION 11-010 CHANGING THE STATUS OF MEMBERSHIP OF COMMITTEE MEMBER, MICHAEL DORMER, FROM THE NEWLY APPOINTED MEMBER TO ADJUNCT MEMBER OF THE SANIBEL HISTORICAL PRESERVATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 11-010.

Mayor Ruane moved, seconded by Councilman Harrity, to adopt Resolution 11-010.

Public Comment
None

The motion carried.

CITY MANAGER

Informational Items

Invitation from the Bayous Preservation Association to attend a meeting Wednesday, February 09, 2011 at the Sanctuary Golf Club at 7:00 p.m. regarding Blind Pass with Robert Neal from Lee County as the speaker

Ms. Zimomra noted the invitation as aforementioned.

Advertising of vacant General Employees Pension Board of Trustees vacancy

Implementation of Sanibel Crime Tip Program

Year-end Causeway Counts

Building Department Monthly Revenue Report for December, 2010

Building Department Monthly Permit and Inspections for December, 2010

Planning Department Permit Activity Report for December, 2010

Planning Department Code Enforcement Activity Report -for December, 2010

Sanibel Historical Museum and Village, Inc., Audit as of September 30, 2010

Sanibel Historical Museum and Village, Inc., 1st Quarter Financial Report for FY 2010/11

Timeline for Committee Reports

Ms. Zimomra noted that the above reports were provided for information.

Invitation to participate in the 2011 Edison Festival of Light Junior Parade Sunday, February 13, 2011 at 1:00 p.m. and the Grande Parade Saturday, February 19, 2011 at 5:30 p.m.

Councilman Jennings noted that he would like to volunteer.

Discussion ensued regarding the Causeway numbers, down 1% from last year, Lee County busy, affected by toll increase, and increase in hotel rooms.

CITY ATTORNEY'S REPORT

Discussion ensued regarding Planning Commission acts like a Board of Appeals and Mr. Cuyler noted that staff and the Planning Commission level standards vague and governing body could amended and clarify any codes.

COUNCIL MEMBERS' REPORT

Councilman Jennings spoke to a News Press article regarding the pension and the legislative proposals.

Councilman Harrity congratulated Councilman Jennings and Councilman-elect Congress

Audio was discovered not on and turned on.

Mayor Ruane announced the General Employees Pension and Police Pension meetings were tomorrow. He also spoke to a pension article he passed to Council. He further spoke to Council getting new chairs.

PUBLIC COMMENT

Claudia Burns asked if March 15 would be a full meeting.

Discussion ensued regarding having two Council meetings, March 15th a regular meeting and Council decided last year to have one meeting a month for the unforeseeable future with the exception of those months like March where the Charter requires new Council members to be sworn in at the second meeting in March.

Karen Storjohann spoke to the need for new Council chairs. She also spoke to applying reserve to the pension unfunded liability.

Ms. Zimomra stated that at Council's direction that above-mentioned subject would be brought forward on March 01, 2011.

Ms. Storjohann spoke to her concern regarding density.

There being no further business the meeting was adjourned at

Respectfully submitted by

PamelaSmith,MMC
Sanibel City Clerk