

**SANIBEL CITY COUNCIL REGULAR MEETING
SATURDAY, SEPTEMBER 10, 2011
11:00 A. M.**

Mayor Ruane called the meeting to order at 11:07 a.m.

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

Mayor Ruane gave the Invocation and led the Pledge of Allegiance.

Planning Commission Report

Chairman Mike Valiquette gave the following August 09, 2011 meeting:

- Direction regarding variances codes

Discussion ensued regarding begin discussion relative to fees and not ready to formulate, would give direction to the Planning Commission at a later time.

- Direction for
- Recommendation that staff bring in an outside home inspection for individual CHR owners

Discussion ensued regarding Council would give the Planning Commission direction once their discussion was complete, the new director only 3 months in the position and show patience and understand everything that was on the table.

- Conditional use permit for Mariners Point

Public Comments

Doug Dietrich thanked Council and staff in bringing diverse groups together in the community in making decisions.

Karen Storjohann spoke to positive program on the Trade World towers memorial. She also spoke to the Lee County budget.

Steve Maxwell submitted new documents given to him in a records request.

Mayor Ruane spoke to an upcoming meeting with Mr. Maxwell, his attorney and the City Attorney.

Council Comments

None

Public Hearing and Utility Issues

RESOLUTION 11-076 ADOPTING AND ESTABLISHING A REVISED SCHEDULE OF RATES FOR THE SANIBEL SEWER SYSTEM AND PROVIDING FOR A 3% INCREASE IN RESIDENTIAL AND COMMERCIAL RATES AND CONNECTION FEES; AND PROVIDING AN EFFECTIVE DATE

Sewer Feasibility Study as prepared by Tara Hollis, Environmental Group Manager for GAI Consultants, Inc.

Recommendation to approve three percent (3%) Sewer Rate Increase; Update on Sewer Budget and Sewer Debt Retirement of State Revolving Fund (SRF) loan number 83504P Sewer User Rate Comparison

History of sewer rates

Ms. Zimomra read the title of Resolution 11-076. She spoke to the previous rate study included in the agenda packet.

Discussion ensued regarding ramifications if tabled until September 20th, Ms. Zimomra noted that the 3% increase was included in the budget and if Council does not want to proceed, staff would bring back an amendment, what was the total collection of the 3%, Ms. Edwards stated the collection was about \$150,000, Ms. Zimomra stated the most import part of indexing was the compound effect with out years increases of rates and debts, 3% cost of living included, if Council waived or did less it affects the future, option to adopt, explore option of coming up with the funds without adopting the increase, Ms. Zimomra stated that residential was a flat rate and commercial rate was based on usage, more comments coming in and continue discussion at the September 20th Council meeting.

Mayor Ruane moved, seconded by Vice Mayor Denham, to continue the public hearing for September 20, 2011 at 09:15 a.m.

Public Comment

None

RESOLUTION 11-077 ADOPTING AND ESTABLISHING A REVISED RATE SCHEDULE FOR THE SANIBEL SEWER SYSTEM AND PROVIDING FOR A THREE-TIER RATE STRUCTURE FOR GENERAL RECLAIMED WATER CUSTOMERS; AND PROVIDING AN EFFECTIVE DATE

Recommendation to approve three percent (3%) Reclaimed Water Rate increase and change to a three-tiered rate structure with a \$.50 incremental increase between each tier

History of Reclaimed Water Rates

Reclaimed water proposed tier rate structure analysis

Ms. Zimomra read the title of Resolution 11-077.

Mayor Ruane moved, seconded by Councilman Congress, to continue the public hearing for September 20, 2011 at 9:15 a.m.

Public Comment

Sonia Smith, CASI spoke to reclaimed water rates increasing 40% for some users. She called Council's attention to page 2 of staff's memo showing the increase.

Dr. John Harries spoke to the 3% compounding issue and looking at a loner range.

Steve Maxwell spoke to the need of further discussion regarding the proposed 3% sewer increase and the accumulative affect

The motion carried.

Second Reading and Public Hearing

ORDINANCE 11-007 AMENDING CITY OF SANIBEL ORDINANCE 07-011, AS AMENDED, WHICH ESTABLISHED AN UPDATED AND REVISED SCHEDULE OF RECREATION USER FEES FOR CITY OF SANIBEL RECREATION PROGRAMS; REVISING AND UPDATING THE CURRENT SCHEDULE TO ESTABLISH AN "EARLY BIRD" REGISTRATION FEE SCHEDULE, ADD ADDITIONAL

PROGRAMS AND AMEND FEES AS PROVIDED IN THE ATTACHED REVISED SCHEDULE; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

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

Mr. Cuyler noted that the legislation was previously adopted as emergency enactment and the City Charter only allows for emergency legislation to remain in place for a certain period time.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Ordinance 11-007.

Public Comment
None

The motion carried.

ORDINANCE 11-008 AMENDING CITY OF SANIBEL ORDINANCE NO. 07-014, AS AMENDED, WHICH ESTABLISHED MEMBERSHIP FEES FOR THE CITY OF SANIBEL RECREATION CENTER; ESTABLISHING A “MEMBERSHIP UPGRADE” FOR AFTER-SCHOOL PROGRAM PARTICIPANTS; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 11-008.

Mr. Cuyler noted that there was a situation with a reduced guest where people would go in as a daily member and get a guest pass as a member receiving the reduced fee.

Vice Mayor Denham moved, seconded by Councilman Jennings, to adopt Ordinance 11-008.

Public Comment
None

The motion carried.

CONSENT AGENDA

- c. **RESOLUTION 11-073 APPROVING A LEASE AGREEMENT FOR THE EAST LIGHTHOUSE CARETAKER’S COTTAGE WITH DENNIS L. ROBERTS; AND PROVIDING AN EFFECTIVE DATE**
- d. **RESOLUTION 11-074 APPROVING A LEASE AGREEMENT FOR THE WEST LIGHTHOUSE CARETAKER’S COTTAGE WITH RANDAL D. WRIGHT; AND PROVIDING AN EFFECTIVE DATE**
- e. **RESOLUTION 11-075 TO CARRY FORWARD THE FISCAL YEAR 2010-2011 CLASSIFICATION PLAN AND PAY SCHEDULE REFLECTING PAY GRADES AND PAY RANGES FOR NON-UNION AND UNION CITY EMPLOYEES FOR FISCAL YEAR 2011-2012; AND PROVIDING AN EFFECTIVE DATE**
- i. **RESOLUTION 11-080 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-039 AND PROVIDING AN EFFECTIVE DATE** (To budget \$5,061 reimbursement from

the Department of Justice to off-set one-half the cost of bulletproof vests purchased in March, 2011. This amendment increases the FY11 budget)

- j. **RESOLUTION 11-081 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE**
- k. **RESOLUTION 11-082 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-040 AND PROVIDING AN EFFECTIVE DATE** (To budget a \$82,500 reimbursement from Lee County to partially defray cost of relocating the police server room. This amendment increases the FY11 budget by \$82,500)
- l. **RESOLUTION 11-083 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-041 AND PROVIDING AN EFFECTIVE DATE** (to budget a \$2,500 safety award from the Florida Municipal Insurance Trust for the FY10 installation of the bollards at the recreation center. This amendment increases the FY11 budget by \$2,500)
- o. **RESOLUTION 11-084 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-042 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$23,150 from the general fund reserve for contingencies to the MIS department for programming assistance from the City's web hosting company to upgrade the City's website's information on public beach, park facilities and popular wedding destinations, for unexpected video system and alarm repairs and to replace equipment damaged in a lightning strike. This amendment does not increase the FY11 budget)

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolutions 11-073, 11-074, 11-075, 11-080, 11-081, 11-082, 11-083 and 11-084.

Public Comment
None

The motion carried.

- a. Approval of minutes – July 19, 2011 and August 02, 2011 Regular Meetings
- b. Award a one-year Recreation Center cleaning contract to RT Cleaning by Rimma Tyo, LLC in the amount of \$17,544 per year and authorize the City Manager to execute same
- f. Request from the Sanibel Community Association (SCA) 2173 Periwinkle Way for 60 Special Event Permits for calendar year 11/12 (60 permits were approved December 07, 2010)
- g. 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 draft FY12 budget)
- h. Approval of a Memorandum of Understanding between the City of Sanibel and Lee County for reimbursement of funds in the amount of \$82,500 for the construction of an equipment room and authorize the City Manager to execute same

m. Accept the ranking of the selection committee and authorize the City Manager to enter into contract negotiations with Tetra Tech for Waste- Water Engineering Services

n. Accept the ranking of the selection committee and authorize the City Manager to enter into contract negotiations with Johnson Engineering for National Pollutant Discharge Elimination System Permit - related services

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

Public Comment
None

The motion carried.

OLD BUSINESS

Discussion regarding B.I.G. Arts proposed site improvements including incorporation of an interconnectivity path

Ms. Zimomra spoke to the following:

- Representatives from B.I.G. Arts
- Work with City staff for a path inter-connectivity
- Addressing trip and fall problems
- Working with landscape designer

Mr. Ralph Clark spoke to the following:

- Addressing plan to improve site plan
- Change made to accommodate concern
- Request trimming of Cabbage Palms and Buttonwoods to view the lake behind B.I.G. Arts
- View the trimming as an enhancement

Discussion ensued regarding not staff's recommendation to trim trees, approving the plan, but trimming trees would set a precedent, visited site and concur with previous speaker of not trimming the trees, and other trees and plants trimmed due to public safety.

Vice Mayor Denham moved, seconded by Councilman Harrity, to approve the B.I.G. Arts plan excluding trimming trees.

Public Comment
None

The motion carried.

Mayor Ruane announced that City Council would be going in to Executive Session as shown below.

Council recessed the regular meeting to go into the Executive Session at 12:20 p. m.

Convene an EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS

In attendance shall be only the following persons:

Mayor Kevin Ruane

Councilman Jim Jennings

Vice Mayor Mick Denham

Sanibel City Manager Judie Zimomra

Councilman Doug Congress

Sanibel City Attorney Kenneth B. Cuyler

Councilman Marty Harrity

Jim Isom, Director of Administrative Services

Sylvia Edwards, Finance Director
Wayne Helsby, Labor Counsel (Allen, Norton & Blue) (by phone)

City Council came back into open session at 1:40 p.m.

City Council recessed at 1:40 p.m.

COMMITTEES, BOARDS, COMMISSION

City Council Liaison to Planning Commission

September 13, 2011	Councilman Jennings	Report of 09/10/11 CC Meetings
September 27, 2011	Councilman Harrity	Report of 09/20/11 CC Meeting
	(CANCELED)	
October 11, 2011	Councilman Jennings	Report of 10/04/11 CC Meeting
October 25, 2011	Councilman Congress	
November 08, 2011	Mayor Ruane	Report 11/01/11 CC Meeting
November 22, 2011	Vice Mayor Denham	
December 13, 2011	Councilman Harrity	Report 12/06/11 CC Meeting
December 27, 2011	Councilman Jennings	
January 10, 2012	Councilman Congress	Report 01/03/12 CC Meeting
January 24, 2012	Mayor Ruane	
February 14, 2012	Vice Mayor Denham	Report 02/07/12 CC Meeting
February 28, 2012	Councilman Harrity	
March 13, 2012	Councilman Jennings	Report 03/06/12 CC Meeting
March 27, 2012	Councilman Congress	
April 10, 2012	Mayor Ruane	Report 04/03/12 CC Meeting
April 24, 2012	Vice Mayor Denham	
May 08, 2012	Councilman Harrity	Report 05/01/12 CC Meeting
May 22, 2010	Councilman Jennings	
June 12, 2012	Councilman Congress	Report 06/05/12 CC Meeting
June 26, 2012	Mayor Ruane	
July 10, 2012	Vice Mayor Denham	
July 24, 2012	Councilman Harrity	Report July 17, 2012 CC Meeting

Discussion ensued regarding the liaison role, Council report should be planning issues, Planning Commission members could attend Council meetings, and Council appoints Planning Commission members.

NEW BUSINESS

Upcoming Legislative Calendar

Tuesday, November 08, 2011 Lee County Delegation meeting for the 2012 Legislative session

Mayor Ruane noted the date.

Tuesday, August 23, 2011 meeting between the City Manager and Mayor Ruane with Robin Stublen, Deputy Director Public Liaison, Governor Scott's Office

Mayor Ruane reported meeting with the above and the different water quality and environmental views.

City of Bonita Springs request for support regarding the proposed redistricting maps for the Senate and House AND Redistricting informational pamphlet from Representative Gary Aubuchon

Ms. Zimomra spoke to the following:

- Redistricting for State representatives
- Bonita taken a strong position
- Bonita Springs request support for the attached maps
- Representative Aubuchon interested in Sanibel remaining in his district
- Continue the current repour

Discussion ensued regarding remaining in Representative Aubuchon and Senator Garrett Richter's district, impossible to stay in the district that has both of the above representatives, looking at boundaries and keep good repour.

Discussion regarding the status of various Regional Planning Council (RPC) Issues

Vice Mayor Denham spoke to the following:

- Ken Heatherington no longer director
- RPC reviewing visioning role
- Budget discussion continuing
- Cape Coral issue of wanting to discontinue paying their assessment fees
- Sanibel fills the third county seat on RPC
- Suggest Sanibel become a dues paying member

Ms. Zimomra spoke to discussion at Council level, but a policy was ever established for a rotating seat.

Mayor Ruane moved, seconded by Vice Mayor Denham, to pay the appropriate assessment to RPC at the time policy was changed.

The motion carried.

CITY MANAGER

Informational Items

Upcoming Expiring Agreements

Blind Pass - April 18, 2015

Community Housing and Resources, Inc. (CHR) September 30, 2012

Historical Museum and Village, Inc. - September 30, 2012

Ms. Zimomra spoke to the following:

- Tracking contracts to get ahead of the expiration dates
- Council received correspondence from Captiva Erosion Control District (CEPD)
- May not have county attention with an agreement with CEPD
- Would not be entering negotiations for Blind Pass at this time
- CHR expires September 30, 2012
 - Provide specific suggestions
 - Work with Councilman Congress as liaison for negotiations
- 6 months before expiration to be ready with a new contract

Discussion ensued regarding possible alternatives and ultimate goal would be financial independence.

- 5 years since first agreement
- Previous Council supportive, but move toward financial stability

- Have broad plans
- Work with Councilman Harrity as liaison for negotiations

City of Sanibel Quarterly Financial Statement as of June 30, 2011

July, 2011 Causeway counts

Ms. Zimomra noted that there was a significant increase in numbers, but may not be a historical jump in numbers because of one-year post BP oil spill.

Building Department Monthly Revenue Report, August, 2011

Building Department Monthly Permit and Inspections, August, 2011

Planning Department Permit Activity Report, August 2011

Planning Department Code Enforcement Activity Report, August 2011

Grease Trap Report, August 2011

Ms. Zimomra spoke to the above items in City Council packet for information.

Daniel DiLisi, Sanibel Representative, South Florida Water Management District Board member attendance at the December 06, 2011 City Council meeting

Discussion ensued regarding Vice Mayor Ruane met with Mr. DiLisi and suggestions made were incorporated in the water district budget.

Legislative Affairs consultants attendance at the November 01, 2011 City Council meeting

It was noted that Van Poole and Fred Dickerson would be in attendance at the November 01, 2011 City Council meeting.

Appointments to the General Employees Pension Board of Trustees

Ms. Zimomra spoke to the following:

- All current members wanted to be re-appointed

Discussion ensued regarding no need to advertise and bring a resolution back at the September 20, 2011 City Council meeting..

Status report regarding 4285 Gulf Pines pre-existing variance

Ms. Zimomra gave the following report:

- Pre-existing condition
- Flood regulations
- Program audited and how complaints were handled
- Owner elderly and out of state
- Waiting for the property owner coming back in town
- Fired contractor for illegal work
- Need to enforce codes

Community Housing and Resources, Inc. Quarterly Financial Reports as of December 31, 2010. March 31, 2011 and June 30, 2011

Ms. Zimomra spoke to the inclusion of the above.

Discussion ensued regarding CHR not having a treasurer to review the reports, spoke to board members and the executive director to fill the Board position of treasurer and report done by staff using Quick Books.

CITY ATTORNEY'S REPORT

No report.

Council asked about possible boat dock litigation.

Mr. Cuyler noted that Department Environmental Protection had been given a resolution that Chapter 120 was not applicable. He further stated the order was on the secretary's desk, and looking for a favorable order.

Discussion ensued regarding professional services line item in the legal department for outside litigation, and Mr. Cuyler noted that when needed he would come back to Council for a budget amendment, several calls from Mr. Maxwell regarding his issue and would be concluded one year ago, and Mayor Ruane would be meeting with Mr. Maxwell, his attorney, and the City Attorney, want to come to some resolution without a settlement as mentioned by Mr. Maxwell, do not want perception that Mr. Maxwell had leverage, but good to sit down, and Mr. Maxwell continues to utilize staff through public records request.

COUNCIL MEMBERS' REPORT

Attendance at the August 12, 2011 Tourism Development Council (TDC) meeting

Mayor Ruane gave the following report:

- Positive trends
- County Clerk reviewing contracts paid by TDC
- Contract questions regarding a John Fumero contract
- Email to Commissioner Judah from Vice Mayor Denham stating he could not determine if there should be funding due to not knowing the facts

Discussion ensued regarding as request to speak with John Fumero and Commissioner Hall responded negatively, hard to quantify a Fumero contract without the knowledge of the facts, spoke to City Manager and requested documentation, Lee County officials under pressure due to the litigation with Charlie Green, Clerk of Court, agreed with letter from Vice Mayor Denham about not able to comment, no silver bullet to fix water quality problems, the comment "indirect expenditure" was problematic and since 2004 paid out \$1.4 million, at the TDC Board meeting and in Mr. Fumero's presentation he gave the figure of saving Lee County \$40 million, TDC an advisory board, 2 years ago made a request for Mr. Fumero to come and talk to Sanibel and Commissioner Hall was against the discussion, Mr. Cuyler cautioned the money paid out by TDC versus the money paid from a contract, and Sanibel receives substantial funding from TDC.

Attendance at the Florida League of Cities (FLC) Conference August 11 to 13, 2011

Discussion ensued regarding contacts made more valuable than workshops, PC WOO became 2nd Vice President ad wife went to Sanibel School and Debbie Gleason sister-in-law.

Appointment of Vice Mayor Denham to the Florida League Cities (FLC) Energy and Environmental Quality Legislative Policy Committee

Appointment of Councilman Congress to the Florida League of Cities (FLC) to the Financial and Taxation Legislative Policy Committee

Informational.

Meetings with Representatives Gary Aubuchon, Matt Caldwell, Paige Kregeel, Ken Roberson and Trudi Williams and Senator Garret Richter

Vice Mayor Denham spoke to the following:

- Reach out to local legislators
- Message of a strategic Plan on regional water quality adopted by several resolutions by RPC
- Keep home rule when adopting legislation
- Deal with neighboring communities through the RPC
- Spoke with legislative affairs consultant

- Include thoughts I water goals

PUBLIC COMMENT

None

There being no further business the meeting was adjourned at 2:07 p.m.

Respectfully submitted by,

Pamela Smith, MMC
City Clerk