

**SANIBEL CITY COUNCIL REGULAR MEETING  
TUESDAY, NOVEMBER 01, 2011**

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

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

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

**PRESENTATION (S)**

**Recognition of the Employee of the Quarter, 4<sup>th</sup> Quarter, fiscal year 2010-2011**

Mayor Ruane recognized Kyle Hed as the Employee of the 3<sup>rd</sup> Quarter.

**Proclamation honoring Melina Eskew upon her 100<sup>th</sup> Birthday**

Mayor Ruane read the proclamation and presented it to Mrs. Eskew.

**Trish Dorn, Key Account Executive Lee County Electric Cooperative (LCEC) update on electrical services**

Diana Gillman and Trevor Sacks gave a brief PowerPoint presentation.

- New way to prune trees without weakening the tree
- Cost if exceptions made to tree trimming
- Trees trimmed for safety
- Maintenance cycle for 2 and 3 phase lines
- Educational tips regarding what trees to plant near electrical lines
- Outage data
  - 175 tree related outages = 268 hours
  - 35% tree related outages
  - 30% of hours of outage tree related
- Cost to trim 2005 to 2010 = \$483,000
- Bids out for 3-phase = \$265,000

Ms. Zimomra spoke to the request to address Council was for power outages not a new tree trimming practice. She asked for staff to meet with LCEC representatives regarding their new tree trimming practice. She asked LCEC representatives to explain the other 65% of power outages.

LCEC representatives were unable to answer the request.

**Public Comment**

Paul Reynolds spoke to his disappointment in the service received from LCEC.

Karen Storjohann spoke to having eureka palms cut down to 12 feet would not allow them to survive.

Jack Luft asked if power lines could be put underground.

Herb Rubin spoke to replacing trees at a high cost and could residents be partly compensated?

Discussion ensued regarding planting trees that do not grow past 12 feet and Ms. Zimomra spoke to staff meeting with LCEC.

## **Legislative Update from Van Poole, Dutko McKinley Poole the City's Governmental Affairs consultant**

Van Poole and Fred Dickinson spoke to the following:

- Numerous cities close to bankruptcy due to poor management
- Re-districting and reapportionment legislative session early
- Election and re-elections with new boundaries
- Facing \$2 billion shortfall
- Water Quality issues returning
- Fertilizer bill returning
- Stormwater/reclaimed issue may come to fruition
- Numeric nutrient lawsuit ongoing
- Pension reform
- Business License Tax receipts
- Red Lights
- Growth management

Discussion ensued regarding water quality tied in to the economy.

## **Staff presentation regarding progress in water quality improvement efforts pertaining to City Council goals**

Mr. James Evans, Biologist gave a brief PowerPoint presentation.

Discussion ensued regarding water quality challenges; 1) high/low flow from Lake Okeechobee; and 2) work that could be done as a community to appraise and stop the inhabitation of home rule through legislators, re-routing Kissimmee River flow, efforts made for additional water storage. Mr. Evans spoke to distributing water storage in a large area in less than one foot or more, temporary storage program, land owners get paid for using their land for water storage, 26,800 purchased acres for water storage and potential to acquire another 150,000 acres if economy turns around, the November 08, 2011 Lee County Delegation meeting, legislators removing tools if vote to allow pre-emption, should be concerned on Southwest Florida water quality, citizens make the difference, and Representative Trudi Williams change her vote last year and believe it was due to citizenry involvement.

## **Planning Commission Report 86-43**

Chairman Mike Valiquette gave the following report:

- Request for ordinance change
- BMRH subcommittee report accepted
- Discussions regarding Planning Department work schedule
- Homeowner notification within the adopted redevelopment ordinance

Discussion ensued regarding Council going through goals in priority order and encourage the Planning Commission need to be on the same page and staff to bring back the legislative history regarding the adoption of the redevelopment ordinance.

### **Public Comments**

Jack Luft spoke to appearing in behalf of Sanibel high school students requesting permission to hold a student car wash at the Bank of the Islands. He further spoke to a product placed on the dais and the chemical analysis that was environmental friendly and safe to drink.

Chris Hiedrick spoke to in favor of the requested car wash.

Discussion ensued regarding approving the car wash; want to hear from Dr. Loflin, Dr. Loflin noted the following

- Policy in place by staff and approved by Council

- Purpose was to protect the Sanibel River basin
  - Water Quality issue
  - State designation as impaired
  - Would cost community to retrofit the river
  - Car washing not about the soap and soap removes organics and other debris from vehicle
  - Small dirty water volume no question
  - Large amounts of dirty water increases the nutrient load in the water
  - Sanibel school a better site due to retention area and does not go directly to a water body

Discussion continued that there was no basis for a decision without background and knowledge, positive affect when students work together, Council should be reasonable, and Council asked Mr. Neal's opinion.

Dr. Bruce Neal noted that there was a component in all detergents, water quality sources come from on/off island, need quantitative analysis of detergent and need to do car wash in Ft. Myers since students go to a Ft. Myers school, sump pump was a great alternative and negative water quality impacts.

Mike Valiquette spoke to PURRE focusing efforts locally, spoke to Gates Castle, Public Works Director convinced him that the grass planted in private/public swells help to filter water. He also spoke to including a hay bale and silk barrier so nutrients were absorbed to protect water quality when doing construction

Discussion continued to consider allowing this event with necessary hay bales and silt fencing in place, Dr. Loflin stated that if drains were completely block the area would be flooded, he further stated that hay bales were a perceivable answer with a partial reduction, use to study the effect the cleaning product had on the Sanibel River, issue was to move forward, should have contacted Council in advance and need to know long term implementation.

Vice Mayor Denham moved, seconded by Councilman Congress, to not amend the policy, but to make an exception for the requested event and provide the necessary protection mentioned and any other protected measure noted by the Natural Resources Director.

Ms. Zimomra asked for clarification to install hay bales, silt fencing and anything required by staff.

Vice Mayor Denham noted that it would be at the cost of the applicant.

Discussion ensued regarding rules and regulations and they are what they are, alternative location was the Sanibel School, Mr. Luft noted that no one comes to the school car wash unless there was another event, going against City staff recommendation, precedent set if allowed, Ms. Luft spoke to the need to generate a factual analysis, unfortunately there was a policy.

The motion carried with Councilman Harranty voting in opposition.

Ms. Zimomra clarified that it was the applicant's responsibility to provide and set-up hay bales and silt fencing and staff would be performing testing on the day of the car wash.

Karen Storjohann spoke about a problem with Century Link service and modem purchased through Comcast, if it breaks, then there was a cost of \$5 per month must wait all day for service.

Ms. Zimomra noted that several years ago the State deregulated franchise agreements.

Dr. Bruce Neal spoke to President of START and would help retail establishments on sustainable seafood. He spoke to the money generated through crackerfest.

### **Council Comments**

Councilman Harranty spoke to making decisions as an elected official.

Vice Mayor Denham spoke positively to the 100<sup>th</sup> Birthday of Milena Eskew.

Mayor Ruane spoke to his involvement as a resident before being elected. He further spoke to embracing public input.

Councilman Jennings spoke to resort casinos and money leaving the community due to same. .

Reading of an ordinance and scheduling of public hearing

**ORDINANCE 11-009 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART A, FIRE PROTECTION AND PREVENTION, CHAPTER 34 - FIRE CONTROL DISTRICT, ARTICLES II THROUGH V, SECTIONS 34-31 THROUGH 34-111; PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 11-009.

City Council set the second reading and public hearing on Tuesday, December 06, 2011 at 9:15 a.m.

Second Reading and Public Hearing

**RESOLUTION 11-094 APPROVING A LABOR AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE FRATERNAL ORDER OF POLICE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 11-094.

Councilman moved, seconded by Vice Mayor Denham, to adopt Resolution 11-097.

Public Comment

None

The motion carried.

**ORDINANCE 11-010 OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 50 PERSONNEL, ARTICLE III, POLICE OFFICERS' RETIREMENT, DIVISION 2 PENSION PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; AMENDING SECTION 50-220, AVERAGE FINAL COMPENSATION; SECTION 50 254, VESTING SCHEDULES; SECTION 355, CALCULATION OF BENEFIT AMOUNT; AND SECTION 50-443, CITY CONTRIBUTIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR REPEALER; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

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

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Ordinance 11-010.

Public Comment

None

The motion carried.

**ORDINANCE 11-011 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; AND AMENDING SECTION 50-479, RETIREMENT DATES AND BENEFITS, OF THE TERMS OF THE CITY OF SANIBEL GENERAL EMPLOYEES' RETIREMENT PLAN; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL**

**ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 11-011.

Mayor Ruane moved, seconded by Councilman Congress, to adopt Ordinance 11-011.

Public Comment

None

The motion carried

**CONSENT AGENDA**

Council and staff pulled items (d) and (m) for discussion.

- e. **RESOLUTION 11-093 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-003 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$10,000 from the Sanibel-Captiva Kiwanis for after school program financial assistance. This amendment increases the FY12 budget by \$10,000)
- f. **RESOLUTION 11-101 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE** (Police Department vehicles)
- g. **RESOLUTION 11-095 ACCEPTING A PERPETUAL UTILITY EASEMENT AND BILL OF SALE FOR AN EXISTING SEWER COLLECTION SYSTEM AND LIFT STATION LOCATED AT 2721 WEST GULF DRIVE AND 2737 WEST GULF DRIVE FROM KING'S CROWN CONDOMINIUM ASSOCIATION, INC. AND SAND POINTE CONDOMINIUM ASSOCIATION, INC. RESPECTIVELY; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**
- h. **RESOLUTION 11-096 ACCEPTING WASTEWATER COLLECTION AND TRANSMISSION SYSTEM EASEMENT 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**
- i. **RESOLUTION 11-097 REORGANIZING THE RECREATION DEPARTMENT; AMENDING THE CLASSIFICATION PLAN AND PAY SCHEDULE FOR FISCAL YEAR 2011-2012 ADOPTED ON SEPTEMBER 10, 2011; ADOPTING NEW AND RE-DESCRIBED JOB DESCRIPTIONS FOR THE RECREATION DEPARTMENT; AND PROVIDING FOR AN EFFECTIVE DATE**
- j. **RESOLUTION 11-098 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2011-044 AND PROVIDING AN EFFECTIVE DATE** (Final budget amendment for FY11 to amend revenue to actual, amend expenditures as needed and close special project and capital project funds. This budget amendment increase the FY2011 budget and FY2011 revenues by \$1,923,432, expenditures are increased by \$236,272, ending fund balances are increased by \$1,692,090, and fund transfers in and transfers out are increased by \$73,701. Revenue increases in the general fund were \$438,231; transportation fund

\$297,612; SW Florida Community Foundation fund \$1,005; Historical committee fund \$1,729, Brazilian pepper fund \$895, road impact fee fund \$97,724; parks impact fee fund \$10,728; federal forfeiture fund \$16; Father Madden fund \$361; Shell Harbor dredging \$1,809; Sanibel Estates canal trimming \$323; Water Shadows dredging \$352; building dept. fund \$232,410; recreation center fund \$196,674; ball field maintenance fund \$359; debt service funds \$14,612; capital projects funds \$42,374; sewer fund \$181,532 and beach parking \$406,968. Expenditures were increased in the general fund by \$115,595; transportation fund by \$10,236; other special revenue funds \$19,982; sewer fund \$61,765 and beach parking fund \$28,694: 1) Transfers: the following funds were closed out into the general fund. SW Florida Community Foundation fund \$709, Brazilian pepper fund \$2,640; Shell Harbor dredging fund \$16,015; algae research fund \$3,511; Dixie Beach fund \$16,799 and the Periwinkle landscaping fund \$34,027)

k. **RESOLUTION 11-099 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-004 AND PROVIDING AN EFFECTIVE DATE** (Final taxable property value were \$45,480,930 less than July 1 preliminary values. Decrease ad valorem operating and debt service tax revenue, allowance or under collection and ending fund balance accordingly. This amendment decreases the FY12 budget by \$114,885)

l. **RESOLUTION 11-103 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-005 AND PROVIDING AN EFFECTIVE DATE** (To roll-forward unspent FY11 funds for the following projects in the following amounts: 1) general fund: \$7,950 previously to develop custom interactive map functionality for web; 2) transportation fund: \$3,600 previously allocated for facilities design work; \$72,086 previously allocated for shared-use path widenings; \$38,574 previously allocated for shared-use path repairs; \$650,432 previously allocated for street resurfacing; \$16,997 previously allocated for the San-Cap shared-use path extension; 3) transportation capital project fund: \$39,840 previously allocated for the Lindgren box culvert replacement; \$67,610 previously allocated for the Dunlop-Wooster shared-use path; 4) sewer fund: \$7,780 previously allocated for manhole repairs; \$8,300 previously allocated for sewer system evaluation work and \$83,779 previously allocated for a crane truck; 5) beach parking fund \$50,820 previously allocated for Lighthouse restroom construction and \$8,840 previously allocated for Bowman's beach restroom construction. This amendment does not increase or decrease the FY12 budget)

Ms. Zimomra read the titles of Resolutions 11-093, 11-101, 11-095, 11-096, 11-097, 11-098, 11-099, 11-103 and 11-102.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt the above-mentioned legislation.

Public Comment  
None

The motion carried.

- a. Approval of minutes – September 10, 2011 First Budget Hearing, September 10, 2011 Regular Meeting, September 20, 2011 Regular Meeting, September 20, 2011 Final Budget Hearing and October 04, 2011 Regular Meeting
- b. Approve Professional Services Agreement with Johnson Engineering, Inc. for NPDES-related work, and authorize the City Manager to execute same (the agreement amount is \$70,950 and is included in the adopted FY 11/12 budget. The budget amendment does not increase/decrease the FY112 budget))
- c. Approve a one-year renewal of the City's Disaster Debris Monitoring Services Agreements with Neel-Schaffer, Inc., and O'Brien's Response Management (formerly Solid Resources, Inc) and authorize the City Manager to execute same (Neal Schaffer has agreed to a 10% reduction. No not unless contracts are activated))

- n. Approval of a grant from Tourism Development Council (TDC) for Sanibel Facility/Beach Maintenance and authorize the City Manager to execute same (acceptance of this grant will increase the FY11 budget by \$898,000)
  - o. Request authorization from City Council to serve alcohol (beer & wine) at the Taste of the Island Sunday, November 13<sup>th</sup> located at Community Park, 2231 Periwinkle Way (this event is sponsored by C.R.O.W.)
  - p. Approval of an Agreement and Revocable Shared Use Path Easement granted to the City by Sanibel Community Association, Inc. to allow the City to construct a crushed shell shared use path connecting the new Dunlop shared use path to the Big Arts/Herb Strauss Theater property at 2200 Periwinkle Way
  - q. Approval of the use of the City Seal for the United Way Pacesetters Campaign
  - s. Approval of a 48-month lease of a Xerox WC 4250S copier on State of Florida contract for the Center-4-Life, Recreation Department, that has print/copy/scan/fax/email capabilities at a cost of \$104.73 per month fixed rate, \$0.0099 click charge resulting in a savings of approximately \$35 per month (This copier will replace an older model that does not have print and scan capabilities. Funds are available in the FY 2011-2012 budget.)
  - t. Acknowledgement of receipt of the required petition and signatures requesting that an assessment district be established for the paving of Nerita Street and directing that City staff commence the required procedures to establish such paving assessment district
- Mayor Ruane moved, seconded by Councilman Jennings, to approve a, b, c, n, o, p, q, s and t.

Public Comment  
None

The motion carried.

- d. Request from the Children's Education Center of the Island, Inc., for waiver of Special Events fees for April 07, 2012 for the rental of Community Park and associated fees in the amount of \$1,040 (this event has been previously approved & is considered a grandfathered event. The rental fees are the only fees waived in the past)
- Ms. Zimomra stated the request was to waive \$1,040 including those items that were a direct expense to the City.

John Yates spoke to the request to waive all fees. He also spoke to money generated helps children attend the center

Discussion ensued regarding total cost being \$1,040 and historically waived \$475, staff rents the fence and school representatives had installed fence, Ms. Zimomra stated the fee would be reduced by \$200 by installing and removing fence and the only fee was the application fee and other costs were direct costs.

Mayor Ruane moved, seconded by Vice Mayor Denham, to waive Community Park fee, school representatives would install and remove fence with the total fees to be paid would be \$365.

The motion carried

m. Approval of an extension of a contract between the City and Ken Pfalzer not to exceed \$24,000 (hourly rate in this agreement remains unchanged from the previous agreement)

Discussion ensued regarding the contract cost being \$21,000 last year, Director Jordan noted that Mr. Pfalzer worked on the resort housing redevelopment and remaining portion was to continue resort housing district study outside the district, look at the commercial district residential and amendments to the plan associated with the initial work study plan for the resort housing district and consistent with Council goals.

Vice Mayor Denham moved, seconded by Councilman Congress, to approve the contract.

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

Council recessed at 12:00 p.m.

Convene an EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS

**In attendance shall be only the following persons:**

**Mayor Kevin Ruane**

**Vice Mayor Mick Denham**

**Councilman Doug Congress**

**Councilman Marty Harrity**

**Councilman Jim Jennings**

**Sanibel City Manager Judie Zimomra**

**Sanibel City Attorney Kenneth B. Cuyler**

**Jim Isom, Director of Administrative Services**

**Wayne Helsby, Labor Counsel (Allen, Norton & Blue) (by phone)**

Council went in to open session at 12:30 p.m.

Council recessed at 12:30 p.m.

Council reconvened at 12:45 p.m.

### **COMMITTEES, BOARDS, COMMISSION**

City Council Liaison to Planning Commission

<b>November 08, 2011</b>	<b>Vice Mayor Denham</b>	<b>Report 11/01/11 CC Meeting</b>
November 22, 2011	Mayor Ruane	<b>CANCELED</b>
<b>December 13, 2011</b>	<b>Councilman Harrity</b>	<b>Report 12/06/11 CC Meeting</b>
December 27, 2011	Councilman Jennings	<b>CANCELED</b>
<b>January 10, 2012</b>	<b>Councilman Congress</b>	<b>Report 01/03/12 CC Meeting</b>
January 24, 2012	Mayor Ruane	
<b>February 14, 2012</b>	<b>Vice Mayor Denham</b>	<b>Report 02/07/12 CC Meeting</b>
February 28, 2012	Councilman Harrity	
<b>March 13, 2012</b>	<b>Councilman Jennings</b>	<b>Report 03/06/12 CC Meeting</b>
March 27, 2012	Councilman Congress	
<b>April 10, 2012</b>	<b>Mayor Ruane</b>	<b>Report 04/03/12 CC Meeting</b>
April 24, 2012	Vice Mayor Denham	
<b>May 08, 2012</b>	<b>Councilman Harrity</b>	<b>Report 05/01/12 CC Meeting</b>
May 22, 2010	Councilman Jennings	
<b>June 12, 2012</b>	<b>Councilman Congress</b>	<b>Report 06/05/12 CC Meeting</b>

June 26, 2012  
July 10, 2012  
**July 24, 2012**

Mayor Ruane  
Vice Mayor Denham  
**Councilman Harrity Report July 17, 2012 CC Meeting**

Vice Mayor Denham noted that since he was attending the Lee County Delegation meeting, he would be unavailable to attend the Planning Commission meeting as Council liaison. Councilman Harrity offered to cover the November 08 Planning Commission meeting as liaison.

Ms. Zimomra noted that bolded dates were to advise that there was a report to be given.

**RESOLUTION 11-100 APPOINTING A MEMBER TO THE BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra noted there were ballots due to two candidates.

Councilman Congress noted that Mr. McDonnell was more qualified and recommended him for the position..

Councilman Congress moved, seconded by Mayor Ruane, to appoint Richard McDonnell and adopt Resolution 11-100.

The motion carried.

**OLD BUSINESS**

**Follow-up discussion regarding the area plan for Dunlop Road to Palm Ridge Road including Periwinkle Way**

**Define the Area**

**Map/List of Land Ownership**

**As a City Council, "What is Our Vision of a Town Square?"**

**Next Steps**

Discussion ensued regarding Council goals and Town Center was number 4 under redevelopment, concern of what community wanted in past discussions, identify an area and prepare an outline, Knave property for sale and other entity needs, entities ready to do renovations, SCA in a \$3.5 million campaign, meet with stakeholders, listen to ideas, Council not interested in using public dollars or take the lead, area identified as Periwinkle Way to Dunlop Road to Wooster to Palm Ridge Road to Tarpon Bay Road to Periwinkle Way, staff listed property owners, history of Town Center included the possibility of purchasing the Knave property, project scope should be changed, should choose an area within the above-stated area, need cooperation of stakeholders that have a desire to grow their area, private entities come up with a grand plan to work together, difficult connectivity to walk from Bailey Center to Palm Ridge Road, make Palm Ridge Road area more attractive, create a consortium and define ideas and plans to present to City Council, each organization would need to reach consensus within itself, need stakeholder participation, need to take baby steps, stakeholders need to create the vision and infrastructure needed to be talk out and put in place, Ms. Zimomra noted the process used to build the Recreation Center by survey of community, community meeting of views for entire Recreation Master Plan, and Council took components of Master Plan when funding was available.

**Public Comment**

Karen Storjohann suggested a land swap between City and SCA and parking problems.

Discussion ensued regarding the need for parking.

Larry Schopp spoke to opportunities of greater connectivity to surrounding land owners.

Claudia Burns spoke to Councilman Harrity representing Council and should involve more than stakeholders, but the community. She further stated that the project failed previously due to increasing residential density.

Maureen Valiquette asked about the historical data Council requested at the October meeting and had it been pulled? She further spoke to previous actions taken during the last discussions and encouraging more business on Palm Ridge Road.

Ms. Zimomra noted that material was still being put together from City archives.

Larry Schopp spoke a second time regarding an outgrowth of the Wallace Todd report that mixed use was approved and was not City-wide mailings. He also spoke to properties on Palm Ridge Road east could develop with a variance.

Mike Valiquette also spoke to the survey showing the community wanted mixed use as shown in a survey done by Wallace Todd.

Discussion ensued regarding Councilman Harrity meeting with B.I.G. (SCA) and Sanibel Community Association, and City Manager providing additional information.

### **Status report from Community Housing Resources, Inc., (CHR) regarding measures taken**

Councilman Congress spoke to the following:

- Meet with Executive Director
- Attended CHR Board meeting
- Met with CHR President and City Attorney regarding Sunshine
- Working on budget
- Still have liquidity issues
- How addressing liquidity issue
- Creating a Board to carry forward

Discussion ensued regarding CHR performing a necessary function,

### **CITY MANAGER**

#### **Informational Items**

#### **Status report of Building/Planning fees review and 3<sup>rd</sup> party fee collection**

**Ms. Zimomra noted that staff would recommend the focus continue on building. She stated the building department had a decent balance. She also proposed pulling permits for the last 24 months.**

**Discussion ensued regarding intent of Council to roll-back fees.**

**Ms. Zimomra spoke to giving high and lows of permits. She proposed pulling actual permits over the last 24 months, if Council wanted further data staff could do for the December meeting and included chart, recognize fees and impacts, and provide stimulus to builders.**

#### **Building Department Monthly Revenue Report, September, 2011**

#### **Building Department Monthly Permit and Inspections, September, 2011**

#### **Planning Department Permit Activity Report, September, 2011**

#### **Planning Department Code Enforcement Activity Report, September, 2011**

#### **Grease Trap Report, October, 2011**

**Certificate of Achievement for Excellence in Financial Reporting Presented to City of Sanibel, Florida for its Comprehensive Annual Financial Report for the Fiscal Year Ended September 30, 2010, from the Governmental Finance Officers Association (GFOA) AND Award of Financial Reporting Achievement to Sylvia A. Edwards, Finance Director for FY2010 from the Government Finance Officers Association (GFOA)**  
Ms. Zimomra noted the awards.

**Sanibel Historical Museum & Village, Inc., Balance Sheet Previous Year Comparison as of September 30, 2011**

Ms. Zimomra noted the report. She also noted that she and Councilman Harity had met with the president of the Board regarding the Town Square matter.

**Blind Pass Update and Timeline**

Ms. Zimomra asked Council to review. She further advised that she and Mayor Ruane would be attending a meeting next week. She also spoke to the timeline for the CEPD/Lee County Interlocal agreement.

Discussion ensued regarding financial threat, renourishment issues, Sanibel to take care of Clam Bayou, which had been done, Captiva suppose to give a certain amount of cubic yards of fill, looking for a contributions, Sanibel a large donator to the Tourism Development Council, Mayor Ruane met with Commissioner Manning and Mike Mullins, due to groin must provide sand, Dr. Loflin spoke to following the permitting process and include offsets for the groin on Sanibel, puts road at risk if there was erosion to groin, take out groin if not willing to offset the damage then remove, ascertain that CEPD had satisfied the fill requirement and take credit for deposits of fill before the agreement and next meeting at 'Tween Waters.

**Sanibel Treasury Investment Performance Report for the Period Ending September 30, 2011 prepared by Burgess Chambers & Associates, Inc.**

**Integrity Fixed income Management, LLC Report of the City's operating, reserves, surplus and restricted funds as of September 30, 2011**

**Student Government Day, Friday, November 18, 2011 MacKenzie Hall 10:15 a.m.**

Ms. Zimomra reminded Council that November was November 18<sup>th</sup>, during the Florida League of Cities Conference.

Council requested that staff change the date.

**CITY ATTORNEY'S REPORT**

Mr. Cuyler spoke to the following:

- Lawsuit filed regarding boat docks
- FLC handling suit
- Will advised if Shade session necessary

**COUNCIL MEMBERS' REPORT**

**Appointment to the Regional Planning Council Executive Committees, Strategy team and Sustainable Communities HUD Grant team**

Vice Mayor Denham spoke to his appointment

**Lee County Legislation Delegation meeting Tuesday, November 08, 2011 and Issues of concern to Sanibel**

Ms. Zimomra advised that a letter of request would be placed on delegation meeting agenda.

**Vice Mayor Denham to address Water Quality, Fertilizer and Total Maximum Daily Load (TMDL) relating to nutrients in waterways (note attached letter from James Evans, to Eric Shaw, Environmental Manager, Florida DEP)**

**Letter to Lee County Legislative Delegation regarding proposed fertilizer bill**

Items for informational purposes.

**PUBLIC COMMENT**

Barbara Cooley spoke to her concern at the length of public comment, rude comments and speaking to long.

There being no further business the meeting was adjourned at 2:39 p.m.

Respectfully submitted by,

Pamela Smith, MMC  
Sanibel City Clerk