

**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, 4th Quarter, fiscal year 2010-2011

Mayor Ruane recognized Kyle Hed as the Employee of the 3rd Quarter.

Proclamation honoring Melina Eskew upon her 100th 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 100th 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 13th 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

November 08, 2011	Vice Mayor Denham	Report 11/01/11 CC Meeting
November 22, 2011	Mayor Ruane	CANCELED
December 13, 2011	Councilman Harrity	Report 12/06/11 CC Meeting
December 27, 2011	Councilman Jennings	CANCELED
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
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 3rd 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 18th, 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

**SANIBEL CITY COUNCIL REGULAR MEETING
DECEMBER 06, 2011**

City Council held a greet and meet for Dan Delisi, Sanibel representative on the South Florida Water Manager Board of Directors beginning at 8:15 a.m.

Mayor Ruane called the meeting to order at 9:03 a.m.

Mayor Ruane 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)

Employee of the Year

Mayor Ruane announced the Employee of the Year were the Police Department Traffic Aides as follows:

Craig Crouthamel
Jack Fenwick
John Hall
John Sherwood

Dan DeLisi, South Florida Water Management District member representing area which includes Sanibel
Mayor Ruane invited Mr. DeLisi to the podium.

Mr. DeLisi spoke to the following:

- Strategy in approaching people
- Working with James Evans, Natural Resources and Vice Mayor Denham
- Water Management a regional issue
- Funds to restore Lake Hipchochee , but identifying projects
- Continued working to provide land for water storage
- 42% of budget for environmental restoration projects
- Calooshatchee River Watershed Plan
- Lower east coast water supply plan

Discussion ensued regarding Council encouraged by Mr. DeLisi's thoughts and work, balance of water releases east and west and Council thanked him for his attendance at the Council meeting.

Public Comment

Paul Reynolds spoke to 7 years of promises from the South Florida Water District to address water quality.

Commissioner Dr. Phillip Marks gave the Planning Commission Report of November 08, 2011 as follows:

- Approved a resolution regarding bonus outdoor seating at Sanibel Marina, extension of restaurant hours and additional advertising, proposed ordinance to go to Council
- Approve a variance application to enclose a wooden deck and add a spiral staircase at 630 Lighthouse Way

Ms. Zimomra introduced Mr. Steve DeBolt, a City Manager from North Carolina in transition.

Public Comments

Herb Rubin thanked the City for the new Dunlop Road bike path. He also show used florescent bulbs and wondered if the City would re-institute Hazardous Waste Day. HE mentioned there was no solar panel on the new City roof.

Rae Ann Wessell announced January 5th, Everglades Coalition Conference in Stuart (Hutchinson Island) and Tallahassee Lobby Days January 17 and 18, 2012 through the Everglades Foundation.

Ric Base, Chamber Director thanked Council for attending the November 29th Chamber redevelopment workshop and mentioned Luminary was a success. He thanked the City for their partnership during Luminary.

Dr. Harries spoke to increase of sewer by 3% and still a \$31 million debt. He also spoke to the amount of the debt that was due to residence out-standing assessments amounting to \$9 million and/or 29% of debt.

Ed Seibert spoke to a October 9th News Press article, the 2010 resolution adopted to request then Governor Crist to hold a Special session to discuss oil.

Council Comments

Councilman Harrity thanked the Chamber for decorating the intersection at Causeway, Lindgren and Periwinkle Way.

Vice Mayor Denham wished everyone a Happy Holiday. He also spoke to comments of how good the island looks and a credit to staff. He further spoke to the Chamber re-development Chamber workshop and the principle reason was to overcome the density issue in the resort housing district.

Councilman Jennings spoke to the 70th anniversary of Pearl Harbor tomorrow, December 07, 2011. He also spoke to the City placing an advertisement in the News Press due to the island no longer having a paper of record and asked that an email be sent out advising the public of the reason. He also spoke to Student Government Day.

Ms. Zimomra noted that there was no on-island paper of record and asked of Council would allow the requested email. Council agreed by consensus.

Discussion ensued regarding legal notices and a bill going forward regarding public notices.

Councilman Congress spoke to Student Government Day and staff involvement. He further spoke to ringing the Salvation Bell at Baileys over the weekend.

Mayor Ruane wished everyone Happy Holidays. He further spoke to the enjoyment of Student Government Day.

Ms. Zimomra noted the last Hazardous Waste Day was 2007 and costs \$25,000 and Council decided to discontinue. She explained that Lee County operated a collection site 365 days a year at Page Field. She further spoke to B.I.G. Arts paid for and installed the pavers with City Council approval.

First Reading of an ordinance and scheduling of public hearing

ORDINANCE 11-012 AMENDING ORDINANCE NO. 86-42 WHICH AMENDED THE ZONING MAP OF THE CITY OF SANIBEL, DESIGNATED IN SECTION 126-242 OF THE LAND DEVELOPMENT CODE, AND CREATED A SPECIAL USE DISTRICT FOR LOTS 42, 43, 57, 58, 59, 64, 65, 66, AND 67 OF SANIBEL ESTATES, UNRECORDED UNIT NO. 4, IN SECTION 20, TOWNSHIP 46 SOUTH, RANGE 23 EAST; SPECIFYING THE USES PERMITTED IN AND THE APPLICABLE REGULATIONS FOR SUCH SPECIAL USE DISTRICT; DIRECTING THE CITY MANAGER TO INDICATE SUCH AMENDMENT, WITH REFERENCE TO THIS ORDINANCE TO THE ZONING MAP; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE ((Relating to the Sanibel Marina property located at 643 Yachtsman Drive, Sanibel, and providing for revisions to the Special Use District for such

property including bonus outdoor seating at Grandma Dot's Restaurant, extending restaurant hours to 8:00 p.m. and deleting a limitation on restaurant advertisements.)
Ms. Zimomra read the title of Ordinance 11-012.

City Council set the second reading and public hearing for January 03, 2012 at 9:15 a. m.

Second Reading and 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.

Mr. Cuyler stated that Ordinance 11-009 was to update the code. He added that the Sanibel Fire District had reviewed the proposed ordinance.

Mr. Danny Duncan, Fire Chief spoke to his appreciation of the City Attorney working to bring the code up-to-date.

Discussion ensued regarding the state having legislation that superseded the City's fire code, therefore the need to update Sanibel's code.

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Ordinance 11-009.

Public Comment

None

The motion carried.

CONSENT AGENDA

Council pulled items (f) and (n) for discussion.

- f. Request approval of a Special Events application to hold the Sanibel School Foundation Car Raffle at the Bank of the Islands, 1740 Periwinkle Way and Farmers' Market, and various other locations from December 01, 2011 through March 26, 2012
- n. Request from The United Way of Lee, Hendry, Glades to locate temporary signage at the Bank of the Islands, 1699 Periwinkle Way
Councilman Congress spoke to his concern of visibility.

Ms. Zimomra suggested that Council require that there be no obstruction.

Discussion ensued regarding there being organizations on island that was supported by United Way sponsors on island, Ms. Zimomra noted that F.I.S.H. was such an entity and the county-wide chairperson, Tom Uhler was in the audience.

Mayor Ruane moved, seconded by Councilman Congress, approved

Public Comment

None

The motion carried.

- a. **RESOLUTION 11-104 ACCEPTING A PERPETUAL UTILITY EASEMENT, AND BILL OF SALE AND AFFIDAVIT OF NO LIEN, FOR AN EXTENSION OF AN EXISTING SEWER COLLECTION SYSTEM LOCATED AT FULGUR STREET AND MIDDLE GULF DRIVE FOR BEACHWALK OF SANIBEL F/K/A MIDDLE GULF DRIVE 5 SUBDIVISION; AND PROVIDING AN EFFECTIVE DATE**
- b. **RESOLUTION 11-105 APPROVING A TREASURY MANAGEMENT MASTER AGREEMENT WITH SUNTRUST BANK; AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH AGREEMENT ON BEHALF OF THE CITY; AND PROVIDING AN EFFECTIVE DATE**
- c. **RESOLUTION 11-106 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-009 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$25,000 from the US Fish and Wildlife Service for restoration of the Sanibel Bayous package plant. A copy of agreement FHAC00751 is attached. This amendment increases the FY12 budget by \$25,000)
- e. **RESOLUTION 11-109 CONSENTING TO THE ASSIGNMENT OF RIGHTS AND OBLIGATIONS FROM S.T. WOOTEN CORPORATION TO COMMUNITY ASPHALT CORPORATION OF HIALEAH, FLORIDA, (RESULTING FROM THE SALE OF S.T. WOOTEN CORPORATION TO COMMUNITY ASPHALT CORPORATION OF HIALEAH, FLORIDA) WITH RESPECT TO THAT CERTAIN CONTRACT MADE THE 19TH DAY OF JULY, 2011 BY AND BETWEEN THE CITY OF SANIBEL, FLORIDA AND S.T. WOOTEN CORPORATION; AND PROVIDING AN EFFECTIVE DATE**
- g. **RESOLUTION 11-108 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-008 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$27,000 from the General Fund Reserve for Contingencies to the Legislative and Planning Departments for legal advertising in the News Press. This amendment does not increase the FY12 budget)
- l. **RESOLUTION 11-111 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-010 AND PROVIDING AN EFFECTIVE DATE** (To carry forward \$290,786 in FY11 grant funds and to change authorized positions by reducing part-time tradesworker from one to zero and increasing full-time tradesworker from four to six. This amendment increases the FY12 budget by \$290,786)
- o. **RESOLUTION 11-110 AMENDING THE CITY OF SANIBEL GOVERNMENTAL MONEY PURCHASE PLAN AND TRUST AGREEMENT (401(a) PLAN), A DEFINED CONTRIBUTION PLAN, WITH THE INTERNATIONAL CITY MANAGERS ASSOCIATION - RETIREMENT CORPORATION (ICMA-RC) TO COMPLY WITH INTERNAL REVENUE SERVICE GUIDELINES AND TO IMPLEMENT THE AGREEMENT WITH THE FRATERNAL ORDER OF POLICE TO INCLUDE POLICE DISPATCHERS AS POTENTIAL PARTICIPANTS; AUTHORIZING THE MAYOR TO EXECUTE THE NECESSARY (AMENDED) ADOPTION AGREEMENT; AND PROVIDING AN EFFECTIVE DATE**

q. **RESOLUTION 11-112 DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE AT IL CIELO, IL CIELO LLC, 1244 PERIWINKLE WAY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the above-mentioned resolutions.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolutions 11-004, 11-105, 11-106, 11-109-, 11-108, 11-111, 11-110 and 11-112.

Public Comment
None

The motion carried

- d. Approval to purchase of two new Police Department vehicles (Ford Taurus and Ford Econo Van) on State contract to replace three obsolete and recently liquidated detective and crime scene vehicles in the amount of \$40,073.03 (These purchases are funded through the Forfeiture fund. This does not increase or decrease the FY12 budget)
- h. Request for 20 additional Special Events Permits for 2012 from Casa Ybel Resort, 2255 West Gulf Drive
- i. Approval of a contract modification with Comcast Business Communications LLC to upgrade the City's network connectivity (The cost is \$13,300 for 10 months for an increase in the current fiscal year of \$13,300, which is budgeted and 3 additional years at \$1,330 per month is \$15,960 per year. This contract is budgeted within the adopted FY12 budget. This does not increase the budget)
- j. Request from the Sanibel-Captiva Audubon Society for approval of their 2012 Wildlife Conservation Lecture Series to be held at the Sanibel Community House (SCA), 2173 Periwinkle Way, under one Special Event Permit beginning Thursday, January 5, 2012, and continuing on 01/12/12, 01/19/12, 01/26/12, 02/2/12, 02/9/12, 02/16/12, and 02/23/12
- k. Request by the Sanibel Community Church, 1740 Periwinkle Way for approval of 2 additional Special Events Permits; 1) December 16th, 17th, and 18th, to hold the Drive by Nativity; and 2) December 24th for the Christmas Eve service contingent of final approval of a traffic and parking plan
- m. Approve Lanzo Lining Services, Inc. to rehabilitate four Gulf Pines sewer mains in the amount of \$46,880, based upon piggybacking on the City of Naples bid
- p. Request for temporary signage at the Recreation Center, 3840 Sanibel Captiva Road New Year's Eve fundraising event, and December 31, 2011

Vice Mayor Denham moved, seconded by Councilman Congress, to approve the above Consent Agenda items.

Public Comment
Herb Rubin spoke to purchase of Police Department vehicles not satisfying gas efficiency.

The motion carried.

Ms. Zimomra stated that the last parking vehicles were purchased with gas efficiency in mind, but police pursuit vehicles were purchased with the standard police package.

Council recessed the meeting at 10:13 a.m.

Council reconvened the meeting at 10:27 a.m.

COMMITTEES, BOARDS, COMMISSION

City Council Liaison to Planning Commission

December 13, 2011	Councilman Harrity	Report 12/06/11 CC Meeting
December 27, 2011	Councilman Jennings	CANCELED
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

Annual report from the Planning Commission Below Market Rate Housing Subcommittee

Director Jimmy Jordan gave the following report:

- CHR submitted report which covered goals and objectives of the 4th year out of 5, including the initiation and hiring of an executive director, revision of 5-year plan including strategy to resolve cash-flow issues
- Review Land Development Code for compliance in the Sanibel Plan
- Compliance with Section 1.61, which was the housing element of the Sanibel Plan
- No recommended amendments
- Continue to implement 5-year plan
- Continue to waive CHR development fees
- CHR would continue it's effort to revise and adopt appropriate landlord tenants and limited equity ownership and pursue financial stability

OLD BUSINESS LSITEN

Status report regarding Community Housing Resources, Inc. (CHR)

Councilman Congress spoke to the following:

- Community Housing Resources (CHR) contract expires September 30, 2012
- Adopted FY2012 budget
- Contract to sell one property
- Not able to adequately reserve funds
- Adopted an attainable FY12 budget
- Plan to improve revenue stream and operate at least at break even

- Continue to have a \$25,000 short fall each quarter
- Closing a loan to refinance properties with Sanibel Captiva Community Bank
- Troubling Board function and 3 members resigned in November due to issue with Executive Director
- Former Board members would like the City to take over CHR

Discussion ensued regarding City giving financial support to CHR, potential to look for financial assistant, misconception at the County level, need to change misconception, create objectives and milestones, right to set conditions, need to measure improvement, ask staff to forward the CHR contract, need to re-tool the contract, Council behind CHR , but needs to run properly, role of liaison was passive and may need to consider a list of things to be accomplished to consider a new contract, was there a fall back plan, liaison met with City Manager and City Attorney regarding a back-up plan and a good discussion with Francis Bailey.

Continued discussion regarding the area plan for Dunlop Road to Palm Ridge Road including Periwinkle Way

Councilman Harrity spoke to the following:

- Met with first phase
- Second phase appointments being made

Discussion ensued regarding Sanibel Community Association (SCA) patient and believes in the process, SCA had plans beyond other organizations, people working together, information sent to Council, and Ms. Zimomra noted the handout did include 2 attachments from COTI and SCA.

Continued discussion and history of Building and Planning Departmental fees

Mayor Ruane spoke to the following:

- Discussions during budget process to look at a way to help residents and businesses regarding fees
- Ms. Zimomra passed out charts

Ms. Zimomra spoke to the following:

- Not rolling back to have a significant dip thereby causing the need to increase fees

Discussion ensued regarding having a rolled-back to endure for a certain period of time, more flat line approach, consider a 20% roll-back and review in 2 years, Ms. Zimomra spoke to staff recommending that planning be bifurcated, recommendations leaving all fees the same with the exception 1) filing for a variance reduce; 2) code interpretation and 3) retroactive permit for work completed by previous owner and burden on applicant to prove work was done by previous owner no need to pay double, adoption of a motion directing staff, 1st reading in February and 2nd reading March, 2012 of a proposed ordinance, any impacts for one-time expenditures, necessary that ordinance may go to Planning Commission, and Council could handle financial part of code.

Public Comment

Karen Storjohann spoke to her concern of expenditures and should calculate figures at 10 and 15%.

Claudia Burns ask consideration to apply a sliding scale based on the size of complex.

Discussion and direction to staff regarding a pilot program for temporary sidewalk sales through May 01, 2012

Ms. Zimomra spoke to the following:

- Strict sign ordinance
- After Hurricane Charley temporary signage was provided
- Temporary signage allowed for sidewalk sales
- Temporary signs during season for retail with complaints from restaurants

Discussion ensued regarding limitation size of sign, Ms. Zimomra noted this relief was given by Council for retail, but wanting to include restaurants, how many potential signs, most restaurants in strip centers with signage, City Attorney advised Councilman Harrity not to vote due to conflict of interest since he owns a restaurant on Sanibel, concern there would be an explosion of signs if approved, could number of signs be limited and each retailer could have a sidewalk sale sign, but no roadside sign.

Public Comment

Paul Reynolds spoke to his business being anonymous from Periwinkle Way and nothing to do with City regulations, but incompetent land owner. He suggested taking the existing sign and tag on temporary signs.

Ms. Zimomra stated the challenge was when there was a sign dispute with the landlord.

Director Jordan spoke to the following:

- Restaurant in a center could have a sign at the door, but not at the street or hanging off railings
- 1 sign for each commercial area at street
- 12 square feet and 4 feet
- No signage on the roadway

Discussion ensued regarding placement of signs, confusion signs would be on roadway, one sign per commercial center, Mr. Jordan stated that actual sign would be at the roadway, but not in the right-of-way, one sign per shopping center, proposal was for restaurants to have a sign at their door, Ms. Zimomra explained that in the past Council approved one sign per commercial and this year restaurants that have retail sale would have a sign, have difficulty with more road signage, temporary through May 1st, could evaluate after May 01 and no signage on the road.

Public Comment

Claudia Burns spoke to proposing restaurant to advertise retail outside establishment and food was there primary business. She further stated that it might be feasible for a retail store to serve donuts.

Discussion ensued regarding business tax receipt designates what could be sold and how many restaurants wanted more signage, Mr. Jordan answered it was two businesses.

Karen Storjohann concerned not asking the right question. She further spoke to legitimate question of who was open after Hurricane Charley and need to roll-back to where signage was pre-Hurricane Charley. She also spoke to the need for requirements of signs being taken down when businesses close and putting new signs up when a new business opens.

Ms. Zimomra noted that every year since 2008 staff request temporary signage during season. She further explained that the new component would be for restaurants.

Councilman Congress moved, seconded by Mayor Ruane, to include restaurants to be able to participate in sidewalk sales with a retail business during the season until May 01.

Motion carried with Vice Mayor Denham opposing and Councilman Harrity abstaining due to conflict of interest as advised by the City Attorney.

The motion carried.

Status report regarding island car washes

Mayor Ruane stated that information was being gathered and would be on a future agenda.

CITY MANAGER

Informational Items

Causeway counts for September and October, 2011
Building Department Monthly Revenue Report for October, 2011
Building Department Monthly Permit and Inspections for October, 2011
Planning Department Permit Activity Report for October, 2011
Planning Department Code Enforcement Activity Report for October, 2011
Grease Trap Report November, 2011
Planning Commission terms ending January 09, 2012
The above items were for informational purposes.

Request by Horizon Council for funding \$2,500 annual membership fee
Councilman Harrity moved, seconded by Vice Mayor Denham, to allow Horizon participation.

Public Comment
None

The motion carried.

CITY ATTORNEY'S REPORT LISTEN 1147

Mr. Cuyler mentioned that there was a motion to move the lawsuit to federal court and a motion to dismiss several charges. He stated he would keep Council apprised to the progress.

COUNCIL MEMBERS' REPORT LISTEN 1148

Tourism Development Council (TDC)

Report of the Thursday, November 10, 2011

Potential economic impact of proposed Lee County casinos

Mayor Ruane reported:

- Water quality front and center
- Clerk of Court regarding appropriate use of funds
- Discussion of swim center
- Concern regarding impact of proposed casinos
- Appointed Vice Chair of FMIT Board and would be made chair at the December meeting

Attendance at the Wednesday, November 9, 2011 Captiva Erosion Control District

Mayor Ruane noted that staff, City Manager and he attended. He further noted that agreement was followed by Sanibel, Blind Pass filling in and concern of funding, agreement with CEPD and Lee County, City allocated \$400,000 as per the Interlocal agreement, met with Commissioner Manning and Mr. Mullins.

Discussion ensued regarding mobilization costs exorbitant, funding entity and Commissioner Manning informed everyone that money would be found.

Water Issues

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

Meeting with Senator Benaquisto regarding water quality issues

House Bill 421 (Urban Fertilizer Preemption)

Vice Mayor Denham spoke to the following:

- Meeting with Senator Benaquisto

- Pre-emption of fertilizer was back before the legislature
- Asked for help from Fred Dickinson and send letter when necessary
- He also spoke to the pre-emption house bill was in committee
- Senate bill in committee and trying to kill the bill in committee
- Ric Base, Chamber Director wanted to send out a letter
- Fishing club reached out to help
- Regional Planning Council watch the bills
- Seen no oil-drilling bill

Attendance to the Florida League of Cities Legislative Conference November 18th and 19th

Vice Mayor Denham spoke to his attendance, along with Councilman Jennings and Councilman Congress attendance at one of the Legislative Committees. He reported as follows:

- Legislative agenda actions for 2012
 - Energy – statewide energy development conservation priority
 - Alternative renewal energy
 - No oil-drilling bill
 - Supporting a broad regulatory authority to control storm water and septic tank controls
 - Issues relative to community homes for the treatment of substance abuse treatment
 - Provide public notice via internet
 - Public Safety Communication exemption
 - Concern of local business tax proposed restriction
 - Issue on State pension plan reform for police officers and fire fighters
 - Economic development
 - Defend any withdrawal of home rule authority

Councilman Jennings spoke to leadership being lobbied to focus on items not popular by the electorate.

Request from the Historical Preservation Committee to revisit the Shorehaven discussion and feasibility of moving structure to the Historical Museum and Village

Councilman Harrity spoke to the following:

- Owners ready to make a decision to build a new house
- Any interest to look at Shorehaven house
- Would Shorehaven fit on the Museum and Village property
- Significance of building

Discussion ensued regarding movement and costs, not considered when FY12 budget created, would Council consider if there was no cost, need to look at density and recovery stand point, need to give staff direction and formerly noted the cost of moving Shorehaven was \$100,000 down Periwinkle Way.

Mayor Ruane moved, seconded by Councilman Harrity, to direct staff to look at density to move Shorehaven to the Museum and Village, Inc. land.

Public Comment

Gloria Hannan spoke to their being a gopher tortoise habitat on the property and shouldn't be a dumping ground for a tax benefit.

Alex Werner spoke to the need to know if there was room with no costs. He further spoke to the need for gallery space and 8,000 people visited the museum. Ha also mentioned there were reserve to fund the

PUBLIC COMMENT

None

Mayor Ruane announced that Council would go into Executive Session as noted below at 12:00 p.m.

2:00 P.M. 16. 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 reconvened in to open session at 12:39 p.m.

There being no further business the meeting was adjourned at 1:00 p.m.

Respectfully submitted by,

Pamela Smith, MMC

Sanibel City Clerk