

**SANIBEL CITY COUNCIL REGULAR MEETING
JUNE 19, 2007**

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

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

Request from Councilman Pappas to be excused due to being out of the country

Councilman Jennings made a motion, seconded by Vice Mayor Johnston, to excuse Councilman Pappas.

The motion carried.

Request from Councilman Ruane to be excused due to medical purposes

Councilman Jennings made a motion, seconded by Vice Mayor Johnston, to excuse Councilman Ruane.

The motion carried.

Public Comments

Jodi Brown spoke to the process for demolishing historical buildings needed to be changed.

Council Comments

Councilman Jennings spoke to participation in the Independence parade.

Vice Mayor Johnston gave a report of the last MPO meeting as follows:

- 2005 funds earmarked through the interest of Congressman Young, Alaska
- MPO turned down the proposed \$10 million dollars twice
- MPO approved proposed funds MPO for Coconut Road Interchange Justification Study with qualifiers
- 3 options; 1) return money to Washington, D. C.; 2) move ahead with report; 3) try to alter scope to take in account of Lee County traffic priorities
- MPO accepted the 3rd option and could provide funding to alleviate traffic congestion in Lee County or could be blocked by Federal Highway Administration if decided it was not a proper use of the funds
- Next discussion at the August, 2007 MPO meeting; State Transportation Planners would be in attendance

Mayor Denham spoke to the landmark tax reform and the difficulty the City would have funding new projects/programs due to the reform. He further mentioned that Ms. Zimomra was attending the Lee County Board of Commissioners meeting for support of beach maintenance funds.

First Reading of an ordinance and scheduling of public hearing

ORDINANCE 07-007 OF THE CITY OF SANIBEL DEFINING THE CITY'S OTHER POST-EMPLOYMENT BENEFITS (OPEB); PROVIDING FOR FUNDING OF OPEB; ESTABLISHING A TRUST FUND TO ACCOUNT FOR AND REPORT OPEB PLAN ASSETS; AND DELEGATING THE AUTHORITY FOR INVESTMENT AND MANAGEMENT OF OPEB PLAN ASSETS; PROVIDING FOR CODIFICATION, CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Mr. Jim Isom, Director of Administrative Services read the title of Ordinance 07-007.

Council set the second reading and public hearing for July 17, 2007 at 9:30 a. m.

CONSENT AGENDA

Mayor Denham requested that item (o) be pulled for discussion. Ms. Karen Storijohann requested that item (g) be pulled for discussion.

- g. **Approval of an agreement between the City of Sanibel and the Sanibel Captiva Chamber of Commerce for the renovations to the Chamber restrooms using Tourism Development Council (TDC) grant funds awarded to the City and Chamber funds and authorize the City Manager to execute the agreement (No City funds to be expended - 100% reimbursement from TDC up to \$90,000 - remainder to be funded by Chamber of Commerce)**

Karen Storijohann recommended using a higher commode for the restrooms.

Vice Mayor Johnston made a motion, seconded by Councilman Jennings, to approve the agreement.

The motion carried. Councilman Pappas excused.

- o. **Approval of the negotiated contract between the City of Sanibel and Real Estate Research Consultants and authorize City Manger to execute**

Mayor Denham spoke to the language as the item was worded on the agenda, but agreed to the language in the supplement material.

Vice Mayor Johnston made a motion, seconded by Councilman Jennings, to authorize the contract.

The motion carried. Councilman excused.

Mr. Isom read the titles of Resolutions 07-077, 07-078, 07-079, 07-080, 07-081, 07-082 and 07-083.

- f. **RESOLUTION 07-077 AUTHORIZING THE CITY MANAGER TO ADD PRE-PAID LEGAL SERVICES AS ONE OF THE VOLUNTARY BENEFITS OPTIONS CURRENTLY AVAILABLE TO CITY EMPLOYEES TO ADD VALUE TO THE OVERALL CITY EMPLOYEE BENEFITS PACKAGE WITH NO INCREASE IN BENEFIT COSTS TO THE CITY; AND PROVIDING AN EFFECTIVE DATE**
- h. **RESOLUTION 07-078 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE** (weigh station assets)
- i. **RESOLUTION 07-079 APPROVING A LEASE AGREEMENT FOR THE GULFSIDE CITY PARK CARETAKER'S COTTAGE WITH THOMAS F. BAUER; AND PROVIDING AN EFFECTIVE DATE**
- j. **RESOLUTION 07-080 APPROVING A LEASE AGREEMENT FOR THE 2897 ISLAND INN ROAD PROPERTY WITH LANCE A. LUNA; AND PROVIDING AN EFFECTIVE DATE**
- k. **RESOLUTION 07-081 APPROVING A LEASE AGREEMENT FOR THE EAST LIGHTHOUSE CARETAKER'S COTTAGE WITH DENNIS L. ROBERTS; AND PROVIDING AN EFFECTIVE DATE**
- l. **RESOLUTION 07-082 APPROVING A LEASE AGREEMENT FOR THE WEST LIGHTHOUSE CARETAKER'S COTTAGE WITH RANDAL D. WRIGHT; AND PROVIDING AN EFFECTIVE DATE**

- m. **RESOLUTION 07-083 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2007-074; AND PROVIDING AN EFFECTIVE DATE** (To transfer \$6,500 from the Capital Acquisition Fund originally budgeted for the SEMP Repeater Trailer plus \$21,556 from the General Fund Reserve for Contingencies for equipment installation to complete the Mobile Communication Van. This project is partially funded with a \$50,000 grant from the State Department of Community Affairs. If approved, the General Fund Contingency Reserve will have a balance of \$139,501 after this Budget Amendment. There are no new funds being budgeted by this Amendment)

Councilman Jennings made a motion, seconded by Vice Mayor Johnston, to adopt Resolutions 07-077, 07-078, 07-079, 07-080, 07-081, 07-082, and 07-083.

The motion carried. Councilman Pappas excused.

- a. **Award a contract to the Dumont Company, Inc., for the purchase of hypochlorite (chlorine) at a cost of \$0.90 per gallon for the Donax plant with an estimated annual usage of 85,000 gallons and \$1.35 per gallon for the Wulfert plant with an estimated annual usage of 2,300 gallons for approximately \$80,000 per year and authorize the City Manager to execute the contract (Funding available in the current Utility Department Enterprise Fund)**
- b. **Award contract to Karle Enviro-Organic Recycling, Inc. for the removal and disposal of approximately 400,000 gallons of sludge from the Donax and Wulfert facilities at a cost of \$0.085 per gallon dry for approximately \$34,000 and \$0.12 per gallon wet for approximately \$48,000 and authorize the City Manager to execute the contract (funding is available in the current Utility Department Enterprise Fund)**
- c. **Reject all bids for a high pressure sewer jetter**
- d. **Award City Hall mitigation contract to Hurricane Glass Shield, Inc., in the amount of \$54,336.00 and authorize the City Manager to execute the contract (75% grant/25% local match)**
- e. **Approval of proposed amendment to agreement between the City of Sanibel and Farnham & Associates, Inc. for Professional Services to support community involvement associated with the Periwinkle Way West District Planning Program and authorize the City Manager to execute the amendment to the agreement (Funded from existing appropriation - no new funds required - estimated cost \$38,750)**
- n. **Approval of the City co-sponsoring the Independence Day Parade and contributing cost of City expenses in the amount of \$1,766**

Vice Mayor Johnston made a motion, seconded by Councilman Jennings to approve items (a), (b), (c), (d), (e), and (n).

The motion carried. Councilman Pappas excused.

OLD BUSINESS

Water Quality Issues

Reports from City Council members

Mayor Denham spoke to the following:

- West Coast Basin Sub-committee meeting Thursday, June 21 and would be reviewing a draft resolution for sewage treat package plants
- West Coast Basin Sub-committee reviewing the funding sources and process for obtaining funds to execute the requirements in the above-mentioned resolution
- West Coast Basin Sub-committee putting together a matrix for all counties in Southwest Florida (6 counties) concerning adopted fertilizer ordinances
- Matrix to be discussed at the next meeting of the Regional Planning Council

Discussion ensued regarding algae removal being discussed at the sub-committee meeting, Mayor Denham answered no, should begin discussions with the state, counties and cities on red drift algae, already reached out to Lee County, RFQ's due June 29, 2007 and a scientific review committee to review the RFQ's, design the RFQ to be specific of work to be done, state's primary interest was the economic benefit of tourism, red drift algae an effect of the problem, and Council reaching out to various governmental entities.

Public Comment

Judy Minchie recommended a meeting between different governmental entities for discussion regarding water quality.

James Evans spoke to the following:

- Initiated a meeting with different entities for water quality flow data gathering
- Funding for the project and possible DEP funding 2 flow stations
- Need for monitoring stations in the tributaries
- Meeting today for further discussion
- City contributed \$60,000 for SCCF water quality gathering

Discussion ensued regarding DEP cost for monitoring units \$40,000 to \$65,000, access flow data, Mr. Evans stated completing several transects last week, access LOBO and flow data from SCCF, establishing the transect map for the RFQ, accomplished 6 transects last week from Blind Pass to Knapps Point, DEP would be funding 2 SCCF monitoring stations; 1) Shell Point; and 2) Mayor asked if the DEP permit would be obtained in June, Mr. Isom stated that DEP were currently reviewing the application within the 30 days allowed, algae task force meeting, Mr. Isom stated the Task Force would be meeting the first week of July, water quality problem at Lighthouse Beach, Mr. Evans stated the rain had flushed the nutrients that normally affect Lighthouse Beach, and there were no further problems on other beaches.

Staff Report

Evaluation of beach equipment work plan

Mayor Denham noted the information was included in the agenda packet.

Draft Video script and Fertilizer brochure for educational program

Merribeth Farnum requested approval of the proposed information and stated that there would be further input from various focus groups.

Discussion ensued regarding Council agreeing to focus group discussions, information to be used for contractors and citizens, creating 2 versions; 1) for training and 2) for a mailing-out, mail to all taxpayers, property owners, property managers, businesses license holders, take to the Regional Planning Council, 30 second advertisement would be done in concert with the distributed material, should contact Peter Cochrane, information should be Sanibel specific, should allow other entities to make modifications to suit their purpose, major issues would be production costs and quality, should speak to Terry Brennan with WGCU, already have a high quality production company, information should reflect Sanibel information, project already had a scope, Sanibel setting the example and other entities might adopt for use, different regions have different issues than Sanibel issues, shorten the script, have City Manager authorize, and no more than 5 to 7 minutes for CD.

Public Comment

Judy Minchie spoke to video be provided to other businesses.

Karen Storijohann spoke to recommendations and being involved in a focus group.

Barbara Cooley spoke to it being important to get other Florida cities involved. She suggested putting the video on U-Tube.

Mr. Cuyler stated a motion was needed

Mayor Denham made a motion, seconded by Vice Mayor Johnston, to accept the language.

Discussion ensued regarding page 3 and fertilizer should not be released near a water body closer than 25 feet.

The motion carried. Councilman Pappas excused.

Council recessed at 10:00 a. m.

Council reconvened at 10:08 a. m.

Mayor Denham spoke to the Lee County Board of Commissioners voting to approve Sanibel's request for \$293,000 for beach clean-up. He further stated that staff applied for grants from the SFWMD and the approximately \$700,000 grant was awarded.

Recreation Center issues

Color palette for the swimming pool slide and interactive features in the activity pool

Mr. Isom spoke to the following:

- Selecting colors for the slide
- Staff recommended a sand and teal color
- Staff recommend baby blue

Mayor Denham made a motion, seconded by Councilman Jennings, to approved staff recommendations.

The motion carried. Councilman Pappas excused.

Weight room equipment options

Discussion ensued regarding asking people who use the weight room, new equipment would have an impact on the Rabbit Road business, and should continue with equipment that was in the past weight room.

Public Comment

Dr. David Berger spoke as a weight room user and some people having a prescription from a physician for training, old equipment not maintained, and new equipment should not be considered to be a competition for the existing business.

Ric Base, Chamber Director spoke to applauding Council for trying not to compete with island businesses. He further spoke to reviewing chamber options not to compete with island businesses.

Karen Stori Johann spoke to her experience working with a personal trainer and necessary equipment as proposed by staff. She further stated the weight room had been in the planning process during the construction of the Recreation Center Facility.

Dr. Berger spoke a second time and the recreation center would be paid for on the tax bill as well as a membership fee. He further spoke to the need to call the weight room an exercise room rather than a weight room.

Ms. Zimomra stated the current facility was a weight room. She spoke to the donation of a citizen equipment and the policy of a past Council was not to compete with the island business.

Discussion ensued regarding possible liability of using equipment, Ms. Zimomra stated that private trainers would not be able to use the weight room for training, 3 choices for equipment, Ms. Zimomra stated that

option 2 would be the refurbishing of old equipment and augmenting with a few new pieces, was there enough money in the budget to replace equipment and purchase new equipment, and Ms. Zimomra answered yes, would like to see a recommendation from staff for detailed equipment and use of facility that does not compete with island business,

Vice Mayor Johnston made a motion, seconded by Mayor Denham, to direct the City Manager to prepare a staff report.

The motion carried with Councilman Jennings voting in opposition. Councilman Pappas was excused.

Financing Matrix - Updated as of 6/12/07

Ms. Zimomra stated the information was to keep Council and the public apprised of the finances.

Discussion of Traffic Control Issues and Road Access on Causeway Boulevard

Discussion ensued regarding alternatives and past Council discussion.

Mayor Denham made a motion, seconded by Councilman Jennings, to use whatever traffic engineer, meet with Paul Wingard to come up with solutions for Causeway Boulevard traffic concerns and bring back to Council.

The motion carried. Councilman Pappas excused.

NEW BUSINESS

Discussion to have workshop with Fort Myers Beach Town Council.

Councilman Jennings made a motion, seconded by Vice Mayor Johnston, to direct the City Manager to contact the Fort Myers Beach City Manager for a possible joint meeting.

The motion carried. Councilman Pappas excused.

COMMITTEES BOARDS COMMISSION

Acceptance of resignation from Tom Kaplan, Marine Advisory Committee

Acceptance of resignation from Richard Faris, Historical Preservation Committee

Mayor Denham made a motion, seconded by Vice Mayor Johnston, to prepare a letter of regret and thank both for their service to the City.

The motion carried. Councilman Pappas excused.

CITY MANAGER LISTEN

Informational Items

Proactive Plan to Address Crime at Lighthouse Beach Park

Ms. Zimomra spoke to keeping Council apprised of criminal activity at Lighthouse Beach. She further spoke to targeting times when there was a larger number of people at the beach and would be implementing a higher visibility of police officers at Lighthouse Beach. She also stated that staff felt that deterring crime was at an all time high due to a higher police visibility.

Discussion ensued regarding police safety.

Budget Calendar

Ms. Zimomra noted the budget calendar in the agenda packet.

Discussion ensued regarding there may not be a quorum at the July 31st Special Council meeting, Mr. Cuyler stated staff was prepared for July 17th, concerned there being 5 weeks until the next meeting, consider having another meeting, and Council budget briefings the week of July 13th.

Causeway Vehicle Counts – March and April, 2007

Ms. Zimomra stated the vehicle counts were provided in the agenda packet.

Implementation of GovDeals contract for disposal of City property

Ms. Zimomra spoke to enabling staff to continuously dispose of obsolete equipment after Council approval.

Status of SFWMD Grant Application

Already reported at the beginning of the City Manager's report.

CITY ATTORNEY'S REPORT

None.

COUNCIL MEMBERS' REPORT

Councilman Jennings spoke to his concern if there was a hurricane developing and not having a quorum for a meeting. He further spoke to further discussion and Council giving authority to the City Manager.

Mr. Cuyler stated that there needs to be a quorum for a member to participate by phone and the ordinance gives the City Manager certain powers during an emergency.

PUBLIC COMMENT

None.

There being no further business the meeting was adjourned at 10:59 a. m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk