

SANIBEL CITY COUNCIL REGULAR MEETING DECEMBER 04, 2007

City Council held a meet and greet for Senator Saunders from 8:30 a.m. to 9:00 a. m.

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

Members present: Mayor Denham, Vice Mayor Johnston, Councilman Jennings,
Councilman Pappas, and Councilman Ruane.

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

PRESENTATION(S)

Senator Burt L. Saunders, District 37 gave the following presentation:

- Worked on the Northern Everglades bill last year to find a solution to lessen polluted water released into the Calooshatchee River from Lake Okeechobee and Lee County
- Reviewing the expansion of the Florida Forever Program for the next 10 years and incentivise large land owners giving the state environmental easements and fee simple
- Reviewing the Department of Environmental Protection Agency (DEP) regulatory scheme to identify the source of pollution

Discussion ensued regarding fertilizer task force, storm-water run-off, no pre-emption in 2008, but may be coming, tighten water testing standards at the state level and improve coordination, provide better information to local communities, the only incentive in the new tax reform being growth does not allow Sanibel and/or other communities room with growing costs, Senator Saunders stated Governor Crist and Lt. Governor Kottkamp travel Florida and heard that homeowners needed portability; legislation had language that with each roll-back with a super majority vote or referendum millage rate could be raised; January 29th ballot questions of homestead exemption, certain tax exemptions could be lifted, issue of investment pools and what was put in the pools and the impact, Senator Saunders spoke to forwarding information to Council, exotic animal sales with Florida and subsequent release by owners a concern, further concern of range and number of offspring, Senator Saunders spoke to exotic animal release a huge problems and legislation last year to begin registration of sales, he will check on the legislation, growth rate continues how would water issues be addresses unless growth is stopped and/or slowed, Senator Saunders stated the projections were for growth to slow down, but people moving to Florida has been fairly consistent, 1.7 billion gallons discharged into the Atlantic Ocean daily, Dade and Broward County discharging effluent water in to the Atlantic Ocean, Senator Saunders has a bill dealing with reverse osmosis, and helping with keeping Colonel Grosskruger in the Jacksonville office.

Council recessed at 9:32 a. m.

Council reconvened at 9:43 a. m.

Vice Mayor Johnston read a statement attached to these minutes.

Public Comments

John Carney spoke to joining the Recreation Center and asked for a category for family life time membership.

Ms. Zimomra spoke to the actuarial and variable of family size factors taken into consideration when the lifetime fee was recommended and approved by Council. She further stated that possibly fees already paid could go toward a membership.

Herb Ruben spoke to an article in San Francisco paper where an entire fleet was environmental converted. He further spoke to large levels of water used by a resident in Georgia in which the City published amount and name of resident in the paper, and suggested the same be done in Sanibel. He also spoke to an ordinance on clothesline and suggested amending the ordinance to allow clotheslines to save energy and the City should be the leader in solar energy by giving incentives to residents.

Rae Ann Wessell spoke to that the 23rd Annual Everglades Conference scheduled for January 10 through 13th at South Seas Plantation. www.evergladescolition.com She also spoke to SCCF water initiatives.

Tom Sarbal, Sanibel Bike Club thanked Council and spoke to the completion of the Periwinkle Way Shared Use Path.

Louise Johnson spoke to Sanibel looking good upon her return. She also spoke positive regarding the Recreation Center.

Claudia Burns spoke to participating at the Recreation Center dedication ceremony December 01, 2007 by playing in the band. She also spoke to the plan for the Periwinkle Way West District Plan by including the Knave property and transferring residential density from other properties.

Jack Kohn spoke to the Recreation Center and the flaw in the fitness room (weight room) was that it does not have treadmills and understood the previous decision. He also stated that the wish of the residents have been made secondary to one business owner. He requested Council reconsider their previous decision.

Judy Minchie thanked Council for their endeavors in the past year.

Council Comments

Mayor Denham thanked the City Manager and staff for the Recreation Center dedication.

Councilman Jennings wished everyone Happy Holidays. He also spoke to the Recreation Center dedication and thanked the Sanibel Bike Club for their participation in the Periwinkle Way Shared Use Path. He suggested having a ribbon cutting for the Periwinkle Way Shared Use Path.

Vice Mayor Johnston spoke to the work done by the City Manager, Harold Law, Building Official and Helene Phillips, Recreation Director during the construction of the Recreation Center. She also spoke to the importance of maintaining Colonel Grosskruger in the Jacksonville office, and the letter staff received was from a human resource personnel.

Councilman Pappas spoke to the response regarding Colonel Grosskruger was that rotation was important for service careers and as a general would be more useful. He also spoke to eradication program for Brazilian Pepper. He further spoke to the possibility of treadmills for the Recreation Center. He also spoke to the continued growth in Florida would mitigate against solving water quality problems and efforts should not be relaxed.

Second Reading and Public Hearing

ORDINANCE 07-015 PERTAINING TO CHAPTER 90 OF THE SANIBEL CODE ENTITLED "FEES", ARTICLES I, II, III AND IV, AMENDING THE PERMIT, DEVELOPMENT REVIEW AND ADMINISTRATIVE FEES SET FORTH THEREIN; AMENDING THE SCHEDULE OF FEES FOR APPLICATIONS FOR PERMITS OR APPROVALS REQUIRED BY THE LAND DEVELOPMENT CODE; ESTABLISHING THE CURRENT SCHEDULE OF FEES AND SUPERSEDING AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 07-015.

Public Comment
None

Councilman Ruane made a motion, seconded by Mayor Denham, to adopt Ordinance 07-015.

The motion carried.

ORDINANCE 07-016 AMENDING CHAPTER 110 – SPECIAL EVENTS, OF THE SANIBEL CODE TO ESTABLISH CRITERIA AND AN APPLICATION PROCESS FOR STUDENT OR YOUTH GROUP EVENTS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 07-016.

Public Comment
None

Mayor Denham made a motion, seconded by Vice Mayor Johnston, to adopt Ordinance 07-016.

The motion carried.

CONSENT AGENDA

- a. **RESOLUTION 07-155 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-017 AND PROVIDING AN EFFECTIVE DATE** (to roll forward from FY07 to FY08 \$25,870 for completion of the SEMP van. This amendment increases the FY08 budget by \$25,870. There are no new or additional funds appropriated by this amendment)

- g. **RESOLUTION 07-158 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-018 AND PROVIDING AN EFFECTIVE DATE** (to appropriate one-half of the \$25,000 South Florida Water Management District (SFWMD) grant to hook up 20 irrigation users to the Sanibel Sewer Reuse System. Because there is sufficient reuse water available to hook-up only 10 more customers to the reuse system, only half of the grant is being appropriated. Grant match requirement of 75% of project costs (\$37,500) is already budgeted in the Sewer Reuse Fund. This amendment increases the budget by \$12,500 for this new funding source)

Ms. Zimomra read the titles of Resolutions 07-155 and 07-158.

Councilman Jennings made a motion, seconded by Councilman Ruane, to adopt Resolutions 07-155 and 07-158.

The motion carried.

- b. Approve purchase of 4 - ½ ton pick-up trucks from Don Reid Ford of Maitland, Florida for \$82,560.00 (\$20,640 each) (funding available in the FY 08 Capital Improvement budget –no additional funds to be allocated)

- c. Approve Change Order No. 5 for the Sanibel Sewer System Expansion Project Phase 3B in the amount of \$193,864.01 (3.3% of original contract amount) and an increase in contract time of 162 days and authorize the City Manager to execute the change order (funding available in fund 460)

- d. Award contract to Paints and Coatings Inc., as sole source vendor to rehabilitate six manholes in the Dunes for \$43,716.80 (funding available in the FY 08 Utility Capital Improvement budget – no additional funds to be allocated)
- e. Approval of an amended Reuse Water Rate Agreement with Sanctuary Golf Club and authorize the Mayor to execute the amendment to the existing Easement and Effluent Disposal Agreement
- f. Award contract to United States Service Industries, Inc., for maintenance services to be performed at the Sanibel Recreation Center and authorize the City Manager to execute same

Mayor Denham made a motion, seconded by Vice Mayor Johnston, to approve the above-mentioned requests.

The motion carried

OLD BUSINESS

Water Quality Issues

Reports from City Council members

Northern Everglades Committee meeting

Mayor Denham spoke to two Sanibel representatives on the above-mentioned committee; Mayor and James Evans. He explained that this committee would be deciding where funds would be spent for the Northern Everglades Project specifically the following:

- C-43 STA
- Lake Hipcochee
- Orange River Project

Dr. Rob Loflin spoke to the above-mentioned projects and:

- Orange River algae scrubbing
- Have growers to southwest of lake to recycle their storm water stored in recycle containment areas

Mayor Denham spoke to giving an incentive to governmental entities for going to localized sewer.

Mayor Denham spoke to attending the Legislation Delegation meeting Thursday, November 29 and requested legislation that would provide stronger enforcement of the Healthy Beach Program and give Department of Environmental Protection Agency (DEP) the authority to look for the cause of closing a beach and any non-conformance of a sewage treatment facility be advertised publicly within a 3-mile radius of the problem. He further stated there was support in the Florida House and Senate.

Councilman Pappas spoke to Senator Saunders reaction to Council's request for help in retaining Colonel Grosskruger.

Timeline distribution of the Educational Fertilizer DVD

Ms. Zimomra spoke to the following:

- 200 CD's available for the first December fertilizer course
- Mailing to be done and delivered to the post office January 2nd

Council agreed.

Progress report on Sanibel Bayous Package Plant acquisition

Mr. Cuyler gave the following report:

- Draft contract prepared and delivered to the owner per Council direction
- Utility system lines have been TV'd – 2 small areas to be completed
- Lift stations inspections would occur this week and next
- Blind Pass condo line inspection to begin this week
- Meeting with owner and owner's attorney to discuss the contract
- January 15, 2008 utility purchase public hearing
- Contracts will be on the January 15th Council agenda
- Trying to expedite matters to move toward the closing

Discussion ensued regarding a letter to DEP requesting no fines once the City takes possession of the Sanibel Bayous Package Plant.

Dr. Loflin spoke to the following:

- Sanibel Bayous Package Plant formally a mangrove forest
- Time for plant location to restore itself from a water quality and sediment quality stand point
- Waiting a few years before proceeding to allow organic material to decompose
- The need to remove equipment and lake pumped out and channel to Clam Bayou to provide for wildlife and fisheries habitat

Public Comment

Herb Rubin spoke to the possible use of gray water for toilet use.

Staff Reports

None.

Recreation Issues

Staff Status Report and Construction Manager Monthly Report

Ms. Zimomra stated the monthly report was in the agenda packet. She further stated that the contractor would be on site through December, 2007.

Membership Sales Update

Ms. Zimomra stated that staff would recommend a voucher program that business could purchase. She stated the cost would be She also requested that staff be allowed the program to be instituted until an ordinance could come before Council.

Staff recommendation for Corporate Wellness Program rates

Ms. Zimomra spoke to the following recommendation:

- Employer would purchase voucher and provide to employees
- \$125 for individual
- \$185 for employee/family

Council agreed to the rate and gave staff the authority to impose the above-mentioned while an ordinance was being developed.

Public Comment

Judy Minchie asked if there was any limit to purchasing vouchers.

Ms. Zimomra answered there was no limit, and the employer could use the voucher as they wanted.

Ms. Zimomra spoke to needing a category for annual visitor and staff's recommendation was to set the rate at \$250. She requested Council's approval for the new rate while an ordinance is being developed for Council's consideration.

Council agreed by consensus.

Staff recommendation for rental rates to be charged to Sanibel-based non-profits

Ms. Zimomra spoke to the following:

- Fees structured in line with Sanibel Library, Sanibel Community Association and B.I.G. Arts
- Recommendation – no deposited be established for non-profit groups
- Rental fee would be paid in advance
- No charge for set-up and/or tear-down for multi-purpose room
- Fee forfeited if event not cancelled within 10-days of scheduled event
- Hourly rate for Sanibel-based non-profits would be \$10 per hour with a minimum of 3 hours
- Required parking, traffic and/or security would be booked directly through the Police Department

Mayor Denham made a motion, seconded by Councilman Ruane, to allow staff to implement Corporate Wellness Rates at \$125 for individuals, \$185 for employee/family, annual visitor rate of \$250, and approve the above-mentioned rental rates for Sanibel-based non-profits, and allow staff to implement and direct staff to prepare an ordinance for first reading on December 18, 2007.

The motion carried.

Staff recommendation for Adjustment of Hours

Discussion ensued regarding Recreation Center hour adjustments, the need to open the center earlier, earlier hours would enhance membership, do not need additional hours before the holiday season, Council made a commitment that the staffing level would not be increased until cash flow increased once the center was opened, need to assess the number of employees needed, allow the City Manager to collect information for Council to make a decision in January, need a sense of revenue projections, review cost implications, develop a memorandum of financial options and bring back to Council on December 18th.

Vice Mayor Johnston made a motion, seconded by Councilman Pappas, to direct the City Manager to define cost implications and staff recommendations for scheduling for discussion on the December 18th Council meeting.

The motion carried by consensus.

Public Comment

Judy Minchie spoke to information for Recreation Center usage.

Patty Sprinkle spoke in favor of opening the Recreation Center earlier.

Councilman Jennings spoke again to a ribbon cutting for the Periwinkle Way Shared Use Path.

Council asked staff to work with the Sanibel Bike Club.

Council recessed at 10:55 a. m.

Council reconvened at 11:03 a. m.

Mayor Denham announced that he would be attending the Lee County Board of Commissioners public hearing on fertilizer at 5:00 p.m. today in Fort Myers.

Discussion ensued regarding reappointment and appointment of open Planning Commission seats.

**COMMITTEES BOARDS COMMISSION
RESOLUTION 07-156 REAPPOINTING MEMBERS TO THE GENERAL
EMPLOYEES' PENSION BOARD; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 07-156.

Vice Mayor Johnston made a motion, seconded by Councilman Jennings, to adopt Resolution 07-156.

The motion carried.

Discussion ensued regarding voting on those incumbents wanting to be reappointed and then vote for the open seat.

Vice Mayor Johnston made a motion, seconded by Mayor Denham, to use a paper ballot for all seats.

Discussion ensued regarding the Planning Commission being mandated by Charter for 3-year terms, members have explicit authority that can not be overridden by Council, would like to comment on each applicant, the need to discuss interviews, and historically a paper ballot was used.

The motion carried by consensus with Councilman Jennings voting in opposition.

Discussion ensued regarding Planning Commission applicants, keeping incumbents on the Planning Commission important for continuity, and important that all members understand the need to preserve Sanibel.

Mr. Cuyler explained the following:

- Ballots dated December 4th
- All names on ballots
- Council would place one check mark by three names and initial ballots
- City Attorney would count votes
- The most votes will dictate filling a slots by at least three votes
- Resolution title would be read and names filled in after ballots taken for adoption

Public Comment

Dr. Berger spoke to Planning Commission members need to be able to accept all comments within a discussion without rancor.

Herb Rubin spoke to the criteria of qualifications and recognize that 4 years ago two incumbents were not reappointed.

Bernie Lubetkin spoke to not appointing anyone related to Real Estate and/or construction industry.

Louise Johnson spoke to the need for dedicated Planning Commission members.

Mike Valiquette disagreed with comments made not to appoint anyone in the Real Estate and Construction Industry.

Mr. Cuyler passed the ballots to Council and read the following votes:

Tom Krekel 3

Karen Storijohann 2

Patty Sprankle	5
Tony Lapi	2
Ken Bergstrom	0
Paul Reynolds	3

RESOLUTION 07-157 APPOINTING MEMBERS TO THE SANIBEL PLANNING COMMISSION; AND PROVIDING AN EFFECTIVE DATE

Mr. Cuyler read the title of Resolution 07-157.

Mayor Denham made a motion, seconded by Councilman Jennings, to adopt Resolution 07-157 and fill in the blanks with Paul Reynolds, Patty Sprankle and Tom Krekel.

The motion carried with Councilman Pappas voting in opposition.

Council recessed at 11:39 a. m.

Council reconvened at 11:47 a. m.

PRESENTATION(S)

Presentation by Greg McNeillie of DAHAB and Associates regarding the General Employees' Pension Fund for year ending September 30, 2007

Mr. Greg McNeillie gave the following report:

- Investment Managers have not changed
- Service providers have not changed
- No investments in single-family real estate
- Fund valued at \$9.8
- Fund increase \$1.6

Discussion ensued regarding to hold more funds in cash, Mr. McNeillie answered cash could be held, but would miss out on investments.

He continued his presentation as follows:

- Total return 13.8%
- Actuarial assumptions of 7.5%
- 3-year total assumption return of 12.1%
- 5-year total annualized return of 10.8%
- Total domestic return 16.2%
- Total international equity return 35.2%
- Total fixed income return 5.2%
- Total investment related fees \$77,297

Discussion ensued regarding contribution by the City, Mr. McNeillie answered rough estimate of \$100,000 last year, conservative investments, and Ms. Lynch stated the City's contribution was approximately \$600,000.

Presentation by Burgess Chambers regarding the Sanibel Police Officers' Retirement Fund for year ending September 30, 2007

Ms. Burgess Chambers gave the following report:

- \$8 million year ending
- Earned \$649,000
- Net contributions of approximately \$123,000
- Gross net returns approximately 14.5% after fees
- Gross net 13.8%

Discussion ensued regarding asset allocations, and Mr. Burgess stated that there were 8 different asset investments.

Ms. Zimomra stated that the Police Pension was augmented by statute with the sales of car licenses.

CITY MANAGER

Informational Items

Upcoming Events

**Employee Appreciation Luncheon – Thursday, December 06 Casa Ybel Resort
11:30 a. m.**

**Chamber Luminary Friday, December 07, 5:45 p.m. Sanibel Community
Association (SCA)**

**Upcoming City Council/Planning Commission Joint Meeting Tuesday, December
18th at 2:00 p.m.**

Ms. Zimomra called Council's attention to the above-mentioned upcoming dates.

Development Permit Activity Report for October, 2007

Ms. Zimomra called Council's attention to the information provided in the agenda packet.

Code Enforcement Activity Report for October, 2007

Ms. Zimomra called Council's attention to information provided in the agenda packet.

Building Department Permits and Inspections Monthly Report

Ms. Zimomra called Council's attention to information provided in the agenda packet.

Building Department Monthly Revenue Accumulative as of October 31, 2007

Ms. Zimomra called Council's attention to information provided in the agenda packet.

Iguana/Nile Monitor Lizard Program update

Ms. Zimomra provided the following information:

- Removed 362
- Large animals being reported
- Follow-up on reported locations
- Report from graduate student for Nile Monitor Lizard habitat

City of Sanibel comment letter on U.S. Fish and Wildlife mosquito and mosquito-borne disease management policy

Ms. Zimomra called Council's attention to information provided in the agenda packet.

Community Park Update

No report

City website updated to allow residents to verify contractor's license status

Ms. Zimomra called Council's attention to information provided in the agenda packet.

Ms. Zimomra reported the problems with hiring an unlicensed contractor.

Public Comment

Barbara Cooley the need to receive a copy of the mosquito letter.

Ms. Lynch gave a brief report of the City's involvement in the State's cash pool as follows:

- Investment pool created in 1977
- Administrative fees very low
- Investment return relatively high
- Invested since 1982
- Securities at risk of default and large depositors withdrew funds
- Monitored an audio conference and engaged Blackrock Advisory Services
- 6% defaulted and 8% under stress
- \$14 billion allocated by local governments
- City's account \$18.9
- City's sewer account \$6.8 (according to bond covenants)
- Recreation Center \$1.8
- \$2.2 million cash to meet operating expenditures
- December through March City receives approximately \$8 million in Ad Valorem revenue
- Situation being monitored closely

Discussion ensued regarding should purchases be put on hold for the short term, Ms. Zimomra stated that staff had met to discuss the need to consider holding purchases in the near future, Ms. Lynch spoke to the City's investment policy, contacted banks for investment opportunities, and evaluating other options, when would the \$1.8 due for the Recreation Center, and Ms. Lynch answered it was due between 30 to 45 days.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

City Attorney Evaluation

Discussion ensued regarding the City Attorney's base pay currently a little under \$155,000, keeping both City Manager and City Attorney at the same level and should support the same pay, and information shared with Council members from other governmental entities.

Councilman Jennings made a motion, seconded by Vice Mayor Johnston, to increase the City Attorney's base salary to \$179,500 and increase the housing allowance by 8%.

Mr. Cuyler stated that historically any increase was made retroactive to October 01, and authorize Mayor Denham to execute the amendment to the contract.

Councilman Jennings agreed to amend his motion to include making the salary and housing increase retroactive to October 01, 2007 and authorize Mayor Denham to execute the amendment to the contract.

The motion carried.

Discussion ensued regarding the first time salary reviews were completed differently, material provided in the past and City Manager and City Attorney contracts dealt with at the same time, and evaluations should be done for City Manager and City Attorney in October.

PUBLIC COMMENT

Barbara Cooley spoke to property owners in Sanibel Bayous be treated the same as other owners were treated when the City took over other sewage package plants.

Mr. Cuyler stated that all options would be included on the January 16th Council agenda.

Claudia Burns spoke to an article on the Island Report on iguanas.

There being no further business the meeting adjourned at 12:36 p. m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk