

**SANIBEL CITY COUNCIL REGULAR MEETING
TUESDAY, MAY 01, 2012**

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

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

PRESENTATION (S)

Employee of 2nd Quarter

Mayor Ruane recognized the Employee of the Quarter, John Sherwood from the Police Department.

Recognition by American Institute of Architects of the Sanibel Walker House as the top residential structure in the State of Florida

Joyce Owens and Amy Nowacki, Board members of the local American Institute of Architects spoke to the following:

- Online competition
- Five buildings nominated with 2.5 million votes cast
- Built by Paul Rudolph
- Built in 1952
- Top Florida residential building
- Voted #3 by Florida architects

Planning Commission Report

Chairman Valiquette gave a report of April 10th and April 24th

April 10th

- Approval of conditional use of Jane McLaughlin formula retail and Apparel
- Approval of permit Mr. Walz and Mr. Smith connecting boardwalk
- Continued discussion regarding EAR

April 24th

- Approval of permit Mr. Walz and Mr. Smith connecting boardwalk
- Approval condition use permit juice bar at Sanibel Sprout
- Discussion regarding procedures
- Discussion regarding EAR

Public Comments

None

Council Comments

Councilman Jennings spoke to today being May Day. He noted that Senator Benacquisto visited Sanibel and spoke with individual Councilmembers.

Vice Mayor Denham spoke to island traffic and too expensive to install a round-about. He further spoke to the large buses on-island. He asked that the City Manager bring a report back to Council at a future Council meeting. He further spoke to segways on the beach, which was mentioned at the Planning Commission meeting.

Councilman Harrity spoke to school graduations. He also spoke to what graduates face.

Second Reading and Public Hearing

ORDINANCE 12-004 PERTAINING TO CHAPTER 90 OF THE SANIBEL CODE ENTITLED "FEES", ARTICLE II, SECTION 90-59 AND ARTICLE IV, SECTION 90-486; REDUCING THE PERMIT, DEVELOPMENT REVIEW AND ADMINISTRATIVE FEES SET FORTH THEREIN RELATING TO THE MINIMUM FEE FOR ADDITIONS AND REMODELING, AND RELATING TO FEES FOR VARIANCES; ESTABLISHING SUCH REDUCED FEES AND SUPERSEDING AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 12-004. She noted that staff had completed an in depth analysis

Mayor Ruane moved, seconded by Councilman Congress, to adopt Ordinance 12-004.

Public Comment
None

The motion carried.

ORDINANCE 12-005 PERTAINING TO BRAZILIAN PEPPER ERADICATION; AMENDING SUBSECTION 2 (b) OF ORDINANCE NO. 98-02 BY AMENDING THE BRAZILIAN PEPPER ERADICATION MAP REFERRED TO IN THAT SECTION; BY IMPLEMENTING A NEW MANDATORY BRAZILIAN PEPPER ERADICATION ZONE NO. 6, IN ADDITION TO MANDATORY ERADICATION ZONE 1 REFERRED TO IN SECTION 3 OF ORDINANCE 98-02, ZONE 2 IN SECTION 2 OF ORDINANCE 00-015, ZONE 3 IN SECTION 2 OF ORDINANCE 02-007, ZONE 4 IN SECTION 2 OF ORDINANCE 05-008, AND ZONE 5 IN SECTION 2 OF ORDINANCE 10-007; DIRECTING THE CITY MANAGER TO MAINTAIN ON FILE IN THE PUBLIC RECORDS A COPY OF THE BRAZILIAN PEPPER ERADICATION MAP AS AMENDED AND THE DESCRIPTION OF THE MANDATORY ERADICATION ZONES (1, 2, 3, 4, 5, AND 6); PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 12-005.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Ordinance 12-005.

Public Comment
None

The motion carried.

CONSENT AGENDA

- c. **RESOLUTION 12-042 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-030 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$96,115 from machinery and equipment expense as follows: 1) \$10,645 to rentals and leases for the rental of an emergency generator and 2) \$85,470 to repair and maintenance for repair of a chlorine storage tank (\$17,815), emergency repairs for two stationary generators (\$29,610) and vacuum truck tank replacement (\$38,045) This amendment does not increase/decrease the FY12 budget)

- d. **RESOLUTION 12-043 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE**

- g. **RESOLUTION 12-041 OF THE SANIBEL CITY COUNCIL TO FIX A TIME, DATE AND PLACE FOR A PUBLIC HEARING TO DETERMINE THE PROPRIETY AND ADVISABILITY OF ESTABLISHING AND IMPLEMENTING THE NERITA STREET PAVING PROJECT ASSESSMENT DISTRICT, WHICH INCLUDES ALL LOTS AND LANDS WITHIN THE ASSESSMENT DISTRICT AS DESCRIBED IN THIS RESOLUTION WITHIN THE CITY OF SANIBEL, AS TO THE COST AND FUNDING THEREOF, THE MANNER OF PAYMENT THEREFOR, AND AS TO THE AMOUNT TO BE ASSESSED EACH PROPERTY SO IMPROVED, PURSUANT TO SECTIONS 170.07 AND 170.08, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE**

- h. **RESOLUTION 12-044 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-033 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate a \$1,000 donation from Trails in Motion for the Periwinkle Way rest area. This amendment increases the FY12 budget by \$1,000)

- i. **RESOLUTION 12-045 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-034 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate a \$1,000 grant from the Florida Department of Law Enforcement for the purchase of equipment and supplies. This amendment increases the FY12 budget by \$1,000)

- j. **RESOLUTION 12-047 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-031 AND PROVIDING AN EFFECTIVE DATE** (To transfer from ending fund balance funds for director's leave payout. This amendment does not increase or decrease the FY12 budget)

- k. **RESOLUTION 12-048 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-032 AND PROVIDING AN EFFECTIVE DATE** (to transfer \$2,452 from ending fund balance to pay for damage to a vehicle on April 9, 2012. This amendment does not increase or decrease the FY12 budget)

- l. **RESOLUTION 12-049 OF THE CITY OF SANIBEL, FLORIDA, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,970,000 OF GENERAL OBLIGATION REFUNDING BOND FOR THE CITY OF SANIBEL, FLORIDA, PAYABLE FROM THE FULL FAITH, CREDIT AND UNLIMITED AD VALOREM TAXING POWER OF THE CITY TO PROVIDE FUNDS FOR THE PURPOSE OF REFUNDING THE OUTSTANDING CITY OF SANIBEL, FLORIDA GENERAL OBLIGATION BONDS, SERIES 2002 MATURING AFTER AUGUST 1, 2012; PROVIDING FOR THE LEVY OF NECESSARY AD VALOREM TAXES IN THE MANNER AND TO THE EXTENT PROVIDED HEREIN; 6PROVIDING FOR OTHER COVENANTS WITH RESPECT TO THE BONDHOLDER; AUTHORIZING THE PRIVATE NEGOTIATED SALE OF SUCH BOND PURSUANT TO THE TERMS AND CONDITIONS DESCRIBED HEREIN AND IN THE COMMITMENT; DESIGNATING SUCH BOND AS QUALIFIED TAX-**

EXEMPT OBLIGATIONS WITHIN THE MEANING OF THE INTERNAL REVENUE CODE; PROVIDING CERTAIN OTHER MATTERS IN CONNECTION THEREWITH; PROVIDING FOR THE SEVERABILITY OF PARTS HEREOF IF DECLARED INVALID; AND PROVIDING AN EFFECTIVE DATE

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolutions 12-042, 12-043, 12-041, 12-044, 12-045, 12-047, 12-048 and 12-049.

Discussion ensued regarding the significance of the bond refinancing and by adopting the resolution decreasing the coupon rate, net savings, save interest, reducing the maturity date, and Mr. Cuyler noted that bond counsel wanted to leave with the final documents. He asked Council to sign each form.

Public Comment
None

The motion carried.

- a. Approval of minutes – April 03, 2012 Regular Meeting
 - b. Approve Agreements for Disaster Recovery Services with Crowder Gulf and Ash Britt, Inc., and authorize the City manager to execute same
 - c. Approve SSES, Inc., dba Southern Sewer Equipment Sales to replace the Utility vacuum truck tank at a cost of \$38,045 AND
 - d. Reject bid from Bartow Ford for specification non-compliance and approve purchase of 2 – ¾ ton pick-up trucks and 4-wheel drive option from Sam Galloway Ford in the amount of \$62,976 (two for streets and one for beach parking (beach parking replacement truck will be funded with Tourism Development Council (TDC) grant funds)
 - e. Approve purchase of Tennant Sentinel Model Diesel Street Sweeper off of the General Services Administration Contract in the amount of \$156,838.18 (The CIP budget includes \$140,000 for purchase of the street sweeper and the CIP budget includes \$35,000 for the replacement of the flail axe, which will be deferred to FY13)
 - f. Approval of an amendment to the Community Development Block Grant (CDBG) contract number 5989 recently approved by City Council (Lee County request that language be changed to simplify their internal contract processing procedures and eliminate the need for additional copying)
 - l. Approval of the \$2,970,000 Series 2012 Bank Qualified Loan, BB&T
 - m. Request from Island Seniors to waiver the application fees for the Annual Fall Harvest Bazaar, November 10, 2012 and the Arts and Craft Fair November 17, 2012 at 2401 Library Way (these two events are grandfathered and application fees have been waived in the past)
- Mayor Ruane moved, seconded by Vice Mayor Denham, to approve the above-mentioned Consent Agenda items.

Public Comments
None

The motion carried.

COMMITTEE BOARDS COMMISSION

Request from LeAnn Beanland and Gregory Woodham to be re-appointed to the Vegetation Committee

Acceptance of a resignation from Shelley Greggs resigning from the Financial Assistance Committee

Mayor Ruane moved, seconded by Vice Mayor Denham, to accept the resignations.

Public Comment

None

The motion carried.

RESOLUTION 12-040 AMENDING RESOLUTION 10-076, AS AMENDED, RELATING TO THE SANIBEL RECREATION FINANCIAL COMMITTEE; PROVIDING FOR AN AMENDMENT TO SECTION TWO OF SUCH RESOLUTION IN ORDER TO ADD UP TO TWO ADDITIONAL MEMBERSHIP SEATS FOR THE RECREATION FINANCIAL ASSISTANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-040.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 12-040.

Public Comment

None

The motion carried.

OLD BUSINESS

Status report regarding Water Quality Campaign

Vice Mayor Denham gave the following report:

- Continue to work on a Legislative Strategy
- Continue to work on a Public Relations Campaign
- Legislative Affairs consultants preparing a proposed bill
- Make a presentation to the Regional Planning Council
- Begin process of speaking with local legislators
- Work to get a sponsor of the proposed bill
- Attend Florida League of Cities Annual Conference and attend the Environmental Quality Committee and make a presentation
- Would like to meet with Sanibel partners
- Authority to work toward a Public Relations campaign

Discussion ensued regarding water surrounding Sanibel was an aqua blue before the Lake Okeechobee releases were discontinued, need this water to keep salinity at a proper level, water needs to be treated before it gets to Sanibel, previous trip to Lake Okeechobee, which was contaminated by agricultural, Lake Okeechobee needs to be cleaned-up, Kissimmee Valley waterway was straightened allowing water to get to the lake faster, Oxbow River repaired, water treatment facilities on the river were affected, many foul water sources also flows into the Caloosahatchee River, Dan DeLisi, South Florida Water Management Board (SFWMD) member representing Sanibel had recommended to put \$19 million in the budget for water storage this side of Lake Okeechobee, commitments from candidates, Mayor to speak with County board, put together speaking points, Lee County Legislative delegation normally meeting in December, need a public relations and public education program,

more global approach if business and legislative communities were on board, City willing to include some amount in the budget and ask other governmental entities for funds, what might be the cost for the campaign, looking at a 2-year campaign, maybe \$200,000, must be a regional plan, need to put together wording for Council, and an election in 2013 and do not want issue to be an election issue.

Council by consensus agreed for Vice Mayor Denham to proceed with the above recommendations.

Public Comment

Barbara Cooley spoke to the restoration of Lake Hippochee. She further spoke to recent commentary in the News Press by Tony Lapi and putting the business community to work. She suggested contacting local and regional Board of Realtors.

Discussion ensued regarding a meeting that was attended by some Sanibel business owners, Mayor Ruane attended the last SFWMD board meeting, business element may want to continue to attend meetings and effective at the last SFWMD,

Larkin Hammond noted that the education and public relation campaign should be done in the beginning of the campaign.

Mike Gillespie spoke to asking for community volunteers that have advertising and public relations experience.

Discussion ensued regarding the possibly of having area captains that would have the same speech and engage with community to put together letters.

Community Housing Resources, Inc. (CHR) Updates

Appointment of the new Executive Director, Kelly Collini

Timeline for Contract Renewal

Matrix of Contract Provisions

Existing Contract

Code Sections

Sanibel Plan Sections

Schedule of City of Sanibel financial support

CHR Quarterly Statements

Councilman Congress gave the following report:

- Have new director, Kelly Collini
- Sanibel Plan mandates there was a diverse population
- Contract expires September 30th and would like to work with CHR to redo
- City supported program over the years in the amount of \$14 million
- Economic turmoil, Board and Executive Director problems
- Economic and operational discussions needed

Discussion ensued regarding CHR not having any annual plans that were not contradictory to EAR goals, concern in the past regarding the Sunshine Law, CHR Board meeting should be in MacKenzie Hall and published, if Sunshine were required, it would not mean CHR Board meetings would have to be held in MacKenzie Hall, audio not required, was CHR required to operate under Sunshine, Mr. Cuyler noted he had never expressed an opinionated that CHR should operate under Sunshine, but CHR attorney had opined that they did not have to operate under Sunshine, CHR needs to be more transparent and was a major issue in the past, inception of CHR and issue was the separation of church and state, so to speak and precluded to apply for grants, economy changed and was thrown in a flux, issue of Sunshine and history of less transparency, if CHR under Sunshine; would that eliminate their independent status to apply for grants, Board appointments would pierce the veil of transparency, Mr. Cuyler wanted to check with CHR and effecting their ability to apply for grants, donations to CHR had been instrumental to the success of CHR, little community donations, City budget put together including CHR,

residents interested in CHR workings, misunderstanding on the county level regarding CHR, the education component was very important, would like HCR to follow transparency, have challenges regarding the Center4Life building and space was an issue, as well as other items such as HVAC and the 50% rule, should CHR have their own location, issue to consider when hiring an architect, additional reporting requirements should be implemented in the new contract, office space addressed in contract and not increase CHR's burden, funds should be allocated if CHR moves, crossing threshold to appoint and/or ratify Board, have certain covenants that Council would control under certain conditions, tax payer dollars and may need to set conditions relative to Council input, collaborative effort between City and CHR and in the last year CHR made great strides.

Council recessed at 10:56 a.m.

Council reconvened at 11:10 a.m.

General Employees' Pension Plan

Status report regarding the General Employees' Pension Plan (Councilman Congress)

Direction to staff to make a \$2 million lump sum payment to the General Employees' Pension Plan (\$2 million was allocated at the February, 2012 City Council meeting Resolution 12-022 and budget amendment 12-023)

Councilman Congress spoke to the following:

- Analysis by actuary
- By 2015 should have a funded ratio of 80%
- Must hit assumptions to get to 80%
- 2 meetings since January, 2012 with direction to continue 7.5%
- May want to reduce the 7.5% assumption rate
- If Board reduces the 7.5% the unfunded liability would increase immediately
- Council allocated an additional \$2 million dollars for the GEPP

Vice Mayor Denham moved, seconded by Mayor Ruane, to allocate the additional \$2 million approved at the February, 2012 Council meeting to the General Employees Pension Plan.

Public Comment

None

The motion carried.

Update regarding the oyster reef restoration project in Clam Bayou partnered between City staff and Sanibel Captiva Conservation Foundation (SCCF)

Ms. Holly Downing introduced Dr. Eric Millbrandt, Director of SCCF Marine Lab.

She spoke to the following:

- Restoration of hydrology in Clam Bayou
- Biggest success was the culvert under Sanibel Captiva Road
- Staff had partnered with SCCF on many projects

Dr. Eric Millbrandt, SCCF thanked Council for their involvement for staff time and equipment.

He further spoke to the following:

- Maintaining Blind Pass
- Clam Bayou a ridge system
- Open to the gulf for many years then closed
- Caused algae bloom, fish kills and other problems

- Connect Clam Bayou to Pine Island Sound
- Received 2 grants funds nationwide and City seed money
- Engage volunteers and provided education
- Work with community colleges and universities
- Provide 3,000 volunteer hours
- Planted 60,000 mangroves
- Staged at Bowman Beach
- Purchased 4 truckloads of fossilized shell, which provides a landing place for oyster larvae
- Each truckload 25 tons of shell, which was shoveled
- City and business provide staff and equipment
- Businesses help with an oyster shell recycling program
- Began to restore needed hydration

Discussion ensued regarding when a real difference would be seen, Dr. Millbrandt answered that on a regional scale it would take 10 years to see any difference in water quality, measure within one year increased uptake rates by filter feeders noticed and looking for positive results within 3 years, what was the environmental health of Clam Bayou after installing the culvert and Dr. Millbrandt noted it was 95% sustainable since culvert installation, water coming in a Blind Pass was clear ocean water when open.

Public Comment

Larry Schopp stated the banks on both sides of the box culvert were being lost.

Ms. Zimomra noted that the work had been scheduled and funded.

RESOLUTION 12-039 AMENDING RESOLUTION 98-189, AS AMENDED, WHICH ESTABLISHED A POLICY FOR CONSIDERATION, BY THE CITY COUNCIL, OF REQUESTS FOR CERTAIN PUBLIC IMPROVEMENTS TO BE FINANCED BY SPECIAL ASSESSMENTS ON SPECIALLY BENEFITED PROPERTIES; AMENDING THE MINIMUM APPROVAL REQUIREMENT OF TWO-THIRDS (2/3) OF PARCEL OWNERS TO AT LEAST SIXTY PERCENT (60%) OF PARCEL OWNERS ONLY FOR STREET PAVING SPECIAL ASSESSMENT PROJECTS; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-039.

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolution 12-039.

Mr. Cuyler noted that at the end of Section 1 he suggested the following language; “to minimum approval requirement shall be determined by Council at a public meeting and once determined by Council to have been met shall remain applicable whether there or not there are subsequent changes property ownership or changes in support or approval by property owner.”

Mayor Ruane and Vice Mayor Denham amended their motion to include the above-stated language to the resolution.

Bill McBeath spoke to and gave the City Clerk emails of affirmation.

Public Comment

None

The motion carried.

Staff update regarding an offer to sell to the City property located on the west side of Tarpon Bay Road between Sanibel Captiva Road and the vacant former restaurant building

Ms. Zimomra noted the following:

- Council directed the City Attorney to obtain realtor appraisals he also spoke to Lee County Property Appraiser
- Owner did not have an appraisal
- Staff memorandum

Mr. Cuyler thanked to two realtors for their appraisals.

Discussion ensued regarding vacant land having less value, readied homes more desirable, best use consideration, and read Dr. Loflin' s assessment, took 20 years to purchase all the Sanibel Bayous land back and Council vetted all information

Council advised Mr. McDonald that they would not be going forward with a land purchase.

VERIZON HAS REQUESTED THAT THIS ITEM BE PULLED UNTIL THE JUNE 05, 2012 CITY COUNCIL MEETING (PLEASE SEE ATTACHMENT)

Matters relating to the Communication Tower approved in Resolution 11-007 to be constructed by Verizon Wireless at the Donax Waste Water Reclamation Facility property

Direction to Verizon Wireless on two issues pursuant to the requirement of Resolution 11-007 (which approved the communication tower at the Donax site):

Whether the flag pulley system is to be constructed on the inside or the outside of the communication tower (Note: The communication tower is to be constructed with a “stealth design” as a flag pole with antennae on the inside of the pole)

Whether down lighting will be required as part of construction in the event the flying of a flag is authorized at a later date

As noted by Mayor Ruane under Council Comments.

CITY MANAGER

Informational Items

Blind Pass Update

Ms. Zimomra noted that Lee County Board of Commissioners looking at the contractor proceeding with Blind Pass that worked in Ft. Myers Beach and would be funded through TDC.

Building Department Monthly Revenue Report, March, 2012

Building Department Monthly Permit and Inspections, March, 2012

Planning Department Permit Activity Report, March, 2011

Planning Department Code Enforcement Activity Report, March, 2012

Grease Trap Report, April, 2012

Sanibel Museum & Village, Inc., 2nd Quarter Financial Report

Ms. Zimomra noted that the reports were in the agenda packet. She further advised that the Sanibel Historical Museum and Village contract would be discussed at the June Council meeting.

Lee County Electric Cooperative Scheduled Preventative Maintenance Trim

Ms. Zimomra called Councils attention to tree trimming schedule and education provided to workers of what to do when finding nesting birds.

Council mentioned that there was a recent power outages and Ms. Zimomra answered yes, but most outages were due to over grown vegetation.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Report regarding Thursday, April 12, 2012 South Florida Water Management District (SFWMD)

Mayor Ruane noted that continued work is needed at this level.

Report regarding Friday, April 13, 2012 Tourism Development Council (TDC) meeting

Mayor Ruane spoke to the meeting being short and the Beach and Shoreline funding request meeting was scheduled for Wednesday, May 02.

Meeting with News Press Editorial Board

Mayor Ruane noted that he and the City Manager met with the above. He further advised that the City Manager gave the economic indicators PowerPoint presentation.

Council Comment

Council asked the City Manager for further information regarding the bus issue; Ms. Zimomra noted the report could be at the July meeting because staff was working on a Shared Use Path report, buses had always come to Sanibel, but not as many as in times past, do buses intrude on traffic or the beach carrying capacity and responsibility of Council to discuss if an issue was a resident issue.

Councilman Jennings spoke to going out to lunch in the past. He noted it would be nice to go to lunch together once or twice per year.

Mayor Ruane noted that he would be absent at the May 22 Planning Commission meeting.

Vice Mayor Denham agreed to attend the May 22 Planning Commission meeting

PUBLIC COMMENT

Larry Schopp spoke to appointments of the Planning Commission and not giving the public the option to speak.

Mayor Ruane noted that he read the article in the paper and in trying to be more transparent would be more conscious of public comment.

Claudia Burns spoke to it being more than likely buses in the past were carrying people to island businesses. She stated that buses are now going to different places without supporting the economy, but affecting natural resources.

Vice Mayor Denham noted that there was a bill forcing public comment at public meetings.

Larry Schopp stated the bill did not pass because the courts said the public could be present but not necessarily speak.

There being no further business the meeting was adjourned at 12:15 p.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk