

**SANIBEL CITY COUNCIL REGULAR MEETING
TUESDAY, JUNE 05, 2012**

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

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

PRESENTATION (S)

Presentation of the “Hometown Hero” Award to Vice Mayor Mick Denham from the Florida League of Cities (FLC)

Florida League of Cities representative was not present, therefore the award presentation was delayed until the July 17th City Council meeting.

Presentation from Sanibel Captiva Conservation Foundation (SCCF), Joel Caouette, Shorebird Monitoring Coordinator for the Partners in Conservation Award 2012 to City for support with the Snowy Plover Project

Joel Caouette, Shorebird Monitoring Coordinator for Sanibel Captiva Conservation Foundation (SCCF) presented the Partners in Conservation Award 2012 to the City and the Natural Resources Department.

Planning Commission Report

Commissioner Dr. Phillips Marks gave the following report:

- Approval of a certificate of Appropriateness to join the Bailey home to the cottage and construct a ADA ramp
- Approval of a condition use permit from Dunes Golf & Tennis for a summer camp, camp during the holidays
- EAR discussion
- 4 subcommittee dates scheduled

Mr. Cuyler noted that historically the Planning Commission would make the decision at one meeting and reduce the decision and bring back at the next meeting for adoption. He further noted that he advised the Planning Commission that if there was no public comment the commission could authorize the chairman to execute, but in the event there were findings and public comment the resolution would be brought back to the Planning Commission at the next meeting.

Public Comments

Hazel Schuller spoke to scenic preservation and asked clarification of the expired variance at Seaside Inn. She further noted an improper clearing of mangroves and asked that staff make an inquiry.

Karen Storijohan spoke to the boat dock issue and thought it problematic with the planning commission regarding said issue because they may not have had all the information from Council.

Mark Anderson spoke re the upcoming meeting at the Community House on sustainable practices.

Eugene Gavin spoke to the moving of Shorehaven and asked if the small house (Cable House) could also be moved. He further spoke to the importance of black history and asked if black history could be exhibited in Shorehaven once moved.

Discussion ensued regarding bringing forward at the Historical Preservation; Ms. Zimomra noted that Council could direct staff to evaluate the second house at the Sanibel Museum and Village. She further advised that the City did not contribute to moving Shorehaven.

Alex Werner spoke to there being room for the small house next to Shorehaven and asked for proof of historical value. He further spoke to the intent to include black history at the Sanibel Museum and Village.

Eugene Gavin spoke to being familiar with the house discussed by Alex Werner and noted there was historical value.

Councilman Harrity moved, seconded by Vice Mayor Denham, to move forward in the process of evaluating the historical value of the Cable house and the Cottage at Shorehaven.

The motion carried.

Council Comments

Councilman Harrity wished a happy birthday to Ms. Zimomra and Vice Mayor Denham.

Councilman Jennings also wished everyone a happy birthday and spoke to the happenings in Wisconsin. He also spoke a minimum speed on Periwinkle Way.

Zack Zapella introduced himself as regional Southwest director for Senator Rubio.

CONSENT AGENDA

- b. **RESOLUTION 12-051 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-035 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$13,000 from recreation center ending fund balance as follows: 1) \$3,000 for unbudgeted employment ads and local promotional ads; 2) \$1,000 for a “trial period” extension of the Power Hour fitness class; 3) \$6,000 for 10 weeks inclusive of summer camp expenses; 4) \$3,000 for recreation center parking lot speed control. This amendment does not increase or decrease the FY12 budget)

- c. **RESOLUTION 12-052 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-036 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$5,000 from ending fund balance for arbitrage services. This amendment does not increase or decrease the FY12 budget)

- g. **RESOLUTION 12-053 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-037 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$4,958 of grant assistance from the Florida Fish and Wildlife Conservation Commission’s Invasive Plant Management Section. The Section will provide 120 gallons of Element 4 herbicide, valued at \$41.31 per gallon, to the City. This is the herbicide product that is used by City contractual crews for treatment of Brazilian pepper as part of the Island-wide Brazilian pepper eradication program. It is the least toxic, least expensive and most environmentally friendly herbicide available that is suitable for this purpose. This grant will enable the program to save an equivalent amount in herbicide expenses during the current fiscal year. This amendment increases the FY12 budget by \$4,958)

- r. **RESOLUTION 12-054 GRANTING A PARTIAL WAIVER OF THE CONDITIONAL USE APPLICATION FEE FOR SANIBEL SPROUT, LLC LOCATED AT 2330 PALM RIDGE ROAD; AND PROVIDING AN EFFECTIVE DATE**

- s. **RESOLUTION 12-055 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-039 AND PROVIDING AN EFFECTIVE DATE** (The Building Department is requesting a budget transfer from reserves, for overtime in the amount of \$6,395 to support data correction on 4,000 the files. We will justify with our written files and the computer information to insure that files are correct. Then we will use the justified files to go back and make sure all permits are completed or properly closed. This will help all homeowners who wish to sell or refinance their property to have updated information concerning permits. This justification project is also needed to have qualified information in the city computer system before we convert from the new Tyler Munis program. This budget amendment does not increase or decrease the FY12 budget)

- t. **RESOLUTION 12-056 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE** (Public Works Utility Department 2002 Ford F-350 and Beach Parking 2004 New Holland Tractor TN75S)
- u. **RESOLUTION 12-057 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-038 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$1,800 from ending fund balance to professional services in the public facilities department for additional work required for the finance department space planning project. This project does not increase or decrease the FY12 budget)
- v. **RESOLUTION 12-058 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-040 AND PROVIDING AN EFFECTIVE DATE** (To budget \$15,000 for part-time as needed help to complete planning department special projects through the remainder of the year. This amendment does not increase or decrease the FY12 budget)
- w. **RESOLUTION 12-059 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-041 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$18,672 for CDBG Contract # 5989, through Lee County, to remove and replace architectural barriers to ensure that the wooden bridge between the parking at the City Hall Complex and the BIG Arts building in the Historical Village and Museum is accessible and allow unrestricted movement to all users. This amendment increased the FY12 budget by \$18,672)
- z. **RESOLUTION 12-060 DESIGNATING THE CITY MANAGER, FINANCE DIRECTOR, RECREATION DIRECTOR AND THE ADMINISTRATIVE SERVICES DIRECTOR TO ACT ON BEHALF OF THE CITY TO EXECUTE INVESTMENT AND BANK ACCOUNT SIGNATURE CARDS, BANKING RESOLUTION AND CERTIFICATE OF INCUMBENCY, AND RELATED DEPOSIT ACCOUNT DOCUMENTATION; AND PROVIDING AN EFFECTIVE DATE**

Councilman Harrity moved, seconded by Councilman Congress, to adopt the above resolutions.

Public Comment
None

The motion carried.

- a. Approval of a request for a Special Events Permit to hold the 2013 Sanibel Music Festival at the Sanibel Congregational Church, 2050 Periwinkle Way on March, 02, 05, 09, 12, 16, 19 and 23, 2013 (this event is a grandfathered event)
- d. Approval of a contract between the City of Sanibel and United Mechanical Inc. for the preventative quarterly maintenance for the Recreation Center's HVAC System in the amount of \$10,300 and the monthly remote monitoring in the amount of \$5,800 with a total of \$16,100 and authorize the City Manager to execute same (this project is funded through the adopted FY12 budget)
- e. Approve a letter of support for the Lee County Sheriff's Department for a grant (Edward Byrne Memorial Justice Assistance Grant) which includes \$1,880 for enhancement of wireless police reporting system to be executed by the Mayor **AND** Approval of the Memorandum of Understanding between the City of Sanibel, the Lee County Board of

Commissioners, Lee County Sheriff's Department and Lee County Port Authority to participate in an Edward Byrne Memorial Justice Assistance Grant (JAG) and authorize the City Manager to execute same

- f. Approval of an agreement with CliftonLarsenAllen to develop a plan for Migration of City Technology to the cloud (Phase 2 – Technology Provider Research and Recommendations for \$11,040 & Phase 3 – Transition Plan Definition for \$11,500 with the total amount of \$22,540 and authorize the City Manager to execute same (this project does not increase the FY12 budget)
- h. Award a contract to C.W. Roberts Contracting, Inc. for Shared Use Path extensions at Dixie Boulevard and Bailey Road in the amount of \$279,216.00 and authorize City Manager to execute same (these projects were included in the adopted FY12 budget and does not increase/decrease the FY12 budget)
- i. Award a contract to Bonness, Inc. in the amount of \$170,950.44 for the Tarpon Bay Road Shared Use Path improvements from Island Inn Road to West Gulf Drive and authorize the City Manager to execute same (this project was included in the adopted FY12 budget and does not increase/decrease the FY12 budget)
- j. Award a contract to Canoe Adventures, Inc. in the amount of \$74,240.00 for the Sanibel River Clearing Project and authorize the City Manager execute same (this project was included in the adopted FY12 budget and does not increase/decrease the FY12 budget)
- k. Award a contract to Bateman Contracting, LLP in the amount of \$122,000.00 for the Rabbit Road Shared Use Path widening and overlay project and authorize the City Manager execute same (this project was included in the adopted FY12 budget and does not increase/decrease the FY12 budget)
- l. Reject bids received for the stationary emergency generator and access platform for lift station #5 and Turner Beach lift station access platform
- m. Reject bids for replacement 125kW portable generator and authorize City Manager to either rebid or purchase equipment off of a State Contract
- n. Award a contract to Better Roads, Inc. in the amount of \$790,307.50 for the 2012 Street Resurfacing Project and authorize the City Manager execute same (this project was included in the adopted FY12 budget located in the FY12 Public Works Streets budget and does not increase/decrease the FY12 budget)
- o. Request that revenue generated from merchandise sold at the Recreation Center be deposited into the Recreation Department budget for youth
- p. Request rejection of bids for the Main Server Room due to transitioning to storage of critical data and applications as Cloud Based
- q. Approval of a letter of support dated May 08, 2012 to Dr. Leal, Baileys-Matthews Shell Museum Director for grant application signed by the Mayor
- x. Request from the Friends of Don to co-sponsor the Independence Day parade and waive the Special Events application fee (This is a grandfathered event)

y. Approval of an agreement with Robert Loflin, PhD, for Natural Resources Services Councilman Harrity moved, seconded by Vice Mayor Denham, to approve the above.

Public Comment
None

The motion carried.

OLD BUSINESS

Continued discussion regarding a water quality education campaign (Vice Mayor Denham) Important facts for controlling fertilizer application Education Campaign

Proposed Timeline for City Council Local Coalition Support

Vice Mayor Denham spoke to the following:

- Significant progress in creating a bill for the next legislative session and find a sponsor
- Presented plan to Regional Planning Council
- Presented plan to Southwest Florida league of Cities
- Looking for a wide variety of entities to participate
- SCCF agree to work with City
- Sierra Club agreed to help and provide citizen education
- Need to speak with local legislators
- Packet materials with elevator speech and legislative assignments

Discussion ensued regarding Mayor Ruane talking with Local Mayors and Lee County Commissioners, having a captain meeting at City Hall, through September working on a consortium of community leaders, so far was everyone one and/or entity in agreement, Vice Mayor Denham noted yes, what kind of money and when looking for a Request for Proposals (RFP), funding possibility in the amount of \$200,000, release RFP in September, select vendor, late spring/summer for educational process to begin, vegetation committee interested in helping with campaign, suggest area of interest was education, make sense to begin the RFP proves concurrently and earlier and Horizon Council may be a good organization to get involved.

Public Comment

Steve Maxwell applauded Council for their efforts. He suggested contacting the University of Florida and the Soil Conservation Board.

Sarbanes Presentation

Summary of Project Recommendation Elements

PowerPoint

Scott Pringle, Jacobs engineering spoke to the above and gave a short PowerPoint presentation.

Discussion ensued regarding MPO presentation, Mr. Jacobs noted no discussions with MPO and looking for action from City Council, Ms. Zimomra noted that the requirement was to have Sanibel City Council approval prior to MPO presentation, Sanibel represented at MPO and part of the 2035 update, MPO unanimous support, part of Interlocal Agreement and continued to receive input from citizens.

Public Comment

Paul Tritak spoke to the effort and issues were addressed and supported by the community.

Mayor Ruane moved, seconded by Vice Mayor Denham, to approve the plan and recommendations.

Wayne Ponader spoke to the resident involvement.

The motion carried.

Council recessed at 10:25 a.m.

Council convened at 10:42 a.m.

Status report regarding the playground equipment installation at The Sanibel School, 3840 Sanibel Captiva Road

Mayor Ruane gave a brief synopsis of the project.

Discussion ensued regarding total cost, Ms. Zimomra noted playground equipment came in modules, she also spoke to School district appropriation was \$60,000, establish a budget and fit in equipment, surprised that property values were decreased by 3%, anticipated the decreases, would not raise taxes and find ways to create revenues, asking for consideration and asking staff for a total cost of the playground equipment, school needs a commitment of support, project may be different if Council did not support, need to go through process for funding, would like to see what the school had planned, school board committed playground could be added on to with additional pieces, would need funding for fencing and cameras, Mayor Ruane to speak with Lee County Board of Commissioners regarding a commitment, need to find out why business were not improving since legislation was adopted, not other municipality more prudent that Sanibel and total cost may be approximately \$80,000 for playground.

Mayor Ruane moved, seconded by Councilman Harrity, to direct staff to bring back the total cost for additional playground equipment, as well as all security amenities, including cameras and fencing to secure public safety at the Sanibel School playground at the July 17, 2012 meeting.

Public Comment

None

The motion carried.

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

Mayor Ruane provided a brief history.

Mark Bash, Verizon spoke regarding vendor for a pulley system for the Donax telecommunications tower as follows:

- Two vendors confirmed the design was possible; 1) Flag Desk, Inc.; 2) Stealth Technology
- Provide required lighting for flying flag in conformance with Sanibel’s lighting ordinance
- Design tower with internal antennae
- Internal winch system with access door at the base
- Single line to a lanyard at top of pole
- Portion of pulley system exposed 20 to 25 feet, length of flag
- Recommended flag dimension of 20x30
- Top system would be a ball barring chain system everything internal except when lowering the flag
- Lighting
 - Place light system and flag retaining system to allow flag to move 360 degree around pole plus lightning protection
 - If Council decides to go with a flag final fabrication and tower design would go out
 - Internal system for flag pole feasible with wind requirements
 - Standard flag arrangement
 - Nylon beaded retainer ring – stainless steel for longevity
 - Standard flag arrangement 20x30

- 20x30 portion of pulley system exposed to maintain flag
- Wince system 2x3 foot opening allowing to install the manual crank system at bottom of pole
- Line in individual casings allowing each to operate individually

Discussion ensued regarding preference of an interior mechanism, Verizon provided information from Flag Desk, Inc., which acknowledged they could provide an internal system that would meet the wind-load requirements and provide replacements parts should they be needed, Council asked if an internal system had been built before, Mr. Bash answered no, but common in standard flag poles, internal components the same, but engineered for the tower's specific purpose, would design prevent additional antennas, Mr. Bash answered no, several flag pole telecommunications in Lee County, but none with an internal mechanism, each antennas elevation other Lee County telecommunications tower had same, and timeline of completion was scheduled for early 2013.

Councilman Congress moved, seconded by Vice Mayor Denham, to have an internal system and downed lighting.

Public Comment

None

The motion carried

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

CHR Timeline

CHR Contract Matrix - Updated

CHR Contract (existing)

EAR Schedule and Timeline

Councilman Congress spoke to the following:

- Eliminated any items that Council and CHR agreed to on May 01, 2012
- City proposed 3% escalator
- City currently providing administrative expense in the amount of \$4,500 annually
- CHR would like to have \$4,500 incorporate in quarterly receipts
- Ms. Zimomra explained that CHR would like one sum of \$4,500 keeping unspent amount
- Payments made quarterly; currently \$268,000 new \$275,000 including 3% escalator and \$4,500 administrative expense
- 180 days notice to move
- Redefined Sunshine – better transparency by creating a website to post agendas

Discussion ensued regarding disagree off-island units, CHR to have the opportunity for off-island housing, Richard Johnson noted that by contract CHR would want to have the opportunity and the contract would not allow, measurement of progress and Council concern, but could explore and need to see consistent improvement, prefer not to see off-island housing in contract, could always come back to re-work the contract, Richard Johnson noted that there had been very strong Council participation, come back to Council with opportunities, CHR representatives agree to remove section 15, CHR maintains own board, how had transparency improved, Richard Johnson noted the working relationship with liaison was primary connection to City Council, Council liaison very involved, severed former webmaster relationship, welcome public to meetings, serious problems should be brought before City Council, be treated as a partner and bring proposed agreement back to City Council at the July 17, 2012 Council meeting.

Status report regarding the General Employees' Pension Board meeting of Wednesday, May 09, 2012

Investment Reports Quarter Ending – March 31, 2012 Burgess Chambers & Associates, Inc.

Fixed Income Analysis May, 2012 – Burgess Chambers & Associates, Inc.

May 04, 2012 information from Doug Lozen, Foster and Foster actuarial

Reducing the assumption rate

Councilman Congress noted the following:

- Recommendations adopted by Board
 - Reduce amortization schedule to 10 years
 - Eliminate smoothing method of asset recognition
 - Reduce the assumption rate to 7.5% to 6.75%
 - Additional \$2 million allocated by Council
 - Should be able to meet 80% coverage by 2015

Discussion ensued regarding to make sure pension fund was healthy, vision to improve health of the pension plan; Mr. Cuyler noted that there were no code changes and no Council motion required.

CITY MANAGER

Informational Items

Results of the recent bike survey

Ms. Zimomra introduced Kim Greenplate, summer intern. She explained that the Sanibel Bike Club volunteered to work the survey. She noted the next item was to report on bike accident history.

Response from Florida Department of Transportation (FDOT) regarding the City's inquiry for advanced funds for the Lighthouse Restoration Project by letter dated April 30, 2012

Ms. Zimomra noted the response letter for the Lighthouse restoration. She further noted to have this project placed on the long term transportation project list.

New unfunded mandate by state regarding new requirements once handled by Health Departments for swimming pools

Ms. Zimomra noted that new requirements for ADA. She noted that Sanibel pool was contracted within the requirement. She also explained that the industry was able to push the effective date back due to availability of structures.

Building Department Monthly Revenue Report, April, 2012

Building Department Monthly Permit and Inspections, April, 2012

Planning Department Permit Activity Report, April, 2012

Planning Department Code Enforcement Activity Report, April, 2012

Grease Trap Report, April, 2012

Causeway Counts for February and March, 2012

City's Financial Report for quarter ending March 31, 2012

Integrity Fixed Income Manager Quarterly Report for quarter ending March 31, 2012

Burgess Chambers and Associates quarterly performance report for quarter ending March 31, 2012

Veolia ES Solid Waste Southeast, Inc. Audited Franchise report for period ending December 31, 2011

Florida League of Cities (FLC) Conference August 23 to 25, 2012 Hollywood, Fl., Westin Diplomat

Historical Museum and Village form 990 for FY10/11

Status report regarding maintenance dredging the mouth of Shell Harbor

Ms. Zimomra noted that the mouth was silting in at the mouth; permit had been submitted and grant submittal forthcoming.

Request from Charlotte Harbor National Estuary Program for support in the amount of \$7,500

Ms. Zimomra noted the above-mentioned request. She explained that City Council request was to remove dues and memberships.

Discussion ensued regarding the work Vice Mayor Denham was doing regarding water quality and rejoin for less than \$5,000, what other municipalities were paying

Councilman Congress moved, seconded by Councilman Harrity, to approve a donation of \$2,500.

Public Comment
None

The motion carried

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Report regarding Wednesday, May 02, 2012 Tourism Development Council (TDC) Beach and Shoreline FY13 Funding Requests Workshop and the May 11, 2012 TDC meeting

Mayor Ruane noted that Sanibel received \$1.2 million less \$11,000 in grants.

Report regarding Captiva Erosion Prevention District (CEPD) Wednesday, May 09, 2012 listen 1200

Blind Pass Project

Captiva Beach Re-nourishment

Discussion regarding code regulations for emergency generators

Councilman Harrity spoke to the following:

- House built on West Gulf Drive
- Generator platform elevated and seen by neighbors home
- Staff and contractor found another place for elevated structure
- May want to revisit legislation

Ms. Zimomra advised that the neighbor was requesting that the legislation be reconsidered.

Councilman Harrity moved, seconded by Vice Mayor Denham, to direct staff to revisit the issue and engage the Planning Department and Planning Commission.

Public Comment
None

The motion carried.

Council Comments

Vice Mayor Denham mentioned that Council should approach Lee County for toll revenue.

Councilman Harrity spoke to the B.I.G. Arts and SCA reconstruction issue and the proposed use of the City's recycling spot and City turn into a parking lot for joint use.

Councilman Jennings spoke to the decrease of property values.

Councilman Congress spoke to email addresses.

Discussion ensued regarding concern of information not being distributed, not difficult on the IT side, but may be more work for the City Clerk, other municipal councils have their own email, would like to continue full transparency and would like to have staff input.

Mayor Ruane moved, seconded Councilman Congress, to direct the City Manager for staff input for an analysis for separate City Council emails.

Public Comment
None

The motion carried.

Mayor Ruane spoke to the proposed decrease of property values and the necessity to look at revenue. He noted since reducing Building and Planning fees there had been no construction and would visit with County relative to tolls, look to be a 5% or 6% reduction in taxable value and need to have a dialog.

Discussion ensued regarding some reconstruction, Chamber governmental affairs committee attended by Councilman Congress and the permit application process laborious and should review, problems and ramifications that permits not closed and the need to close before opening another permit, comprehensive plan to see how Sanibel works with other entities as well as other organizations.

PUBLIC COMMENT

Karen Storijsohan spoke to residents that have wind insurance and investigators sent out to review, then after the visit insurance rates were increase and no ability to get information from Citizens Insurance.

Mayor Ruane noted that there were some residents that completed a form of what was added, which was not and found many people were filing false affidavits. He further stated that Citizens was dropping anything over \$20 million.

Ms. Zimomra noted that staff would be reviewing this summer of needs and there was a manual of uniform standard and needed to follow to meet the standard for liability purposes.

Claudia Burns spoke to the concern of declining an assessment and appraisals; and did Council have the power to challenge the decreases. She further noted that when refinancing the declining appraisals caused problems for the homeowner.

Mayor Ruane announced that Council would be going into an Executive Session relating to union negotiations as follows at 12:30 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 reconvened in to open session at 1:30 p.m.

Council adjourned the meeting at 1:30 p.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk