

**SANIBEL CITY COUNCIL REGULAR MEETING
TUESDAY, JULY 17, 2012**

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

Vice Mayor Denham gave the Invocation and led the Pledge of Allegiance.

PRESENTATION (S)

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

Mr. Scott Dudley, Florida League of Cities (FLC) Legislative Director spoke to the award and presented it to Vice Mayor Denham.

Vice Mayor Denham spoke to the encouragement from Council and his involvement with FLC and Legislative Affairs consultants relative to water quality, fertilizer and municipal home rule.

Forest Banks, Ft Myers Commissioner and President of the Southwest Florida League of Cities spoke to the diligence of Vice Mayor Denham when trying to complete a task.

Special Recognition of City Employees for Extraordinary Efforts to Humanely Relocate Florida Black Bear

Mayor Ruane recognized those employees involved in the capture and relocation of the Sanibel Black Bear. They are as follows:

James Evans	Lt. Jamie Phillips	Officer Rick Kennedy	Chief Bill Tomlinson
Joel Prosser	Colt Masters	David Lawler	David Fehlandt
Ed Ploskonka	Brett Dierken		

Presentation of the Employee Dependent Scholarship Awards for Academic Year 2012-2013

Mayor Ruane recognized those employee dependents to receive scholarships. They are as follows:

Elizabeth Chamberlain	Taylor Ashby	Miranda Ashley
Joseph Earle	Andrean Galician	

Planning Commission Report

Commissioner Chris Heidrick gave the following report of the July 10, 2012 Planning Commission meeting:

- Compiling revisions of the Sanibel Plan as the EAR process
- Permitting process review subcommittee focusing on conditional use section of the code

Public Comments

Rae Ann Wessell, SCCF spoke to a meeting and proposal of the SFWMD trying to address the low flow releases of to the Caloosahatchee River. She explained that the Board is focusing on back-pumping to Lake Okeechobee and the proposal would not be acceptable to put 359 metric tons of nitrogen in the lake. She further noted that the nitrogen would create 10 metric tons of phosphorus and the cost to remove the nitrogen from the Caloosahatchee would be in the millions. She also spoke to alternatives, but the staff and governing board has discontinued discussion. She advised that there was an upcoming Board meeting.

Council Comments

Councilman Jennings congratulated Vice Mayor Denham. He further spoke to Independence Day fireworks and notice that the Chamber backed the fireworks.

Councilman Harrity thanked Councilman Jennings for being in the Independence parade.

First Reading of an ordinance and scheduling of public hearing.

ORDINANCE 12-006 AMENDING THE CODE OF ORDINANCES, CHAPTER 90 - FEES, ARTICLE V. RECREATION USER FEES, DIVISION 1 – SANIBEL RECREATION CENTER, SECTION 90-501 – RECREATION USER FEES; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

ORDINANCE 12-007 AMENDING THE CODE OF ORDINANCES, CHAPTER 90 - FEES, ARTICLE V. RECREATION USER FEES, DIVISION 2 – SANIBEL RECREATION CENTER, SECTION 90-531 – MEMBERSHIP FEES; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 12-006 and 12-007.

City Council set the second reading and public hearing for 9:20 a.m. on Tuesday, August 07, 2012.

RESOLUTION 12-046 OF THE SANIBEL CITY COUNCIL TO DETERMINE THE PROPRIETY AND ADVISABILITY OF ESTABLISHING AND IMPLEMENTING THE NERITA STREET PAVING PROJECT ASSESSMENT DISTRICT AND THE FUNDING THEREOF, AND TO ADOPT THE ASSESSMENT ROLL FOR THE FUNDING OF SUCH PROJECT; AND PROVIDING AN EFFECTIVE DATE

RESOLUTION 12-050 OF THE CITY COUNCIL OF THE CITY OF SANIBEL SITTING AS THE SANIBEL EQUALIZATION BOARD; EQUALIZING AND APPROVING A SPECIAL ASSESSMENT FOR THE PAVING OF NERITA STREET; PROVIDING FOR PREPARATION AND FILING OF A FINAL ASSESSMENT ROLL FOR SAME; PROVIDING FOR CONFIRMATION OF THE PROJECT AND ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-046 and 12-050.

Mr. Cuyler spoke to the following:

- Resolution 12-046 first step of concluding process of the Nerita paving assessment district; establish and approve district
- Resolution 12-050 includes the original 12-035 that began the process, calculation and assessments
- Assessment could be paid without interest by November
- Assessment could be paid annually at a 3.5% interest rate in the total amount of \$502.67
- When Council sits as the equalization board any resident of Nerita Street would come before Council for consideration

Councilman Harrity moved, seconded by Vice Denham, to adopt Resolution 12-046.

Public Comment

None

The motion carried

Mayor Ruane moved, seconded by Councilman Congress, to adopt Resolution 12-050.

Public Comment
None

The motion carried.

CONSENT AGENDA

Vice Mayor Denham asked that item (a) be pulled and Mayor Ruane noted that a request was made to pull item (p) to be heard at the August 07, 2012 meeting.

a. **Approval of minutes – May 01, 2012 and June 05, 2012 regular Meeting**

Vice Mayor Denham noted that the minutes showed he received the Hometown Hero Award. The City Clerk advised that the change had been made.

Mayor Ruane moved, seconded by Councilman Harrity to adopt the above-mentioned minutes.

Public Comment
None

The motion carried

p. Award Farmer's Market Lease agreement to Local Roots, Inc. in the amount of \$2,000 annually and authorize the City Manager to execute same

Pulled until August 07, 2012.

b. **RESOLUTION 12-058 THE SANIBEL CITY COUNCIL RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE, IN THE CITY OF SANIBEL; CONSTITUTING THE CITY'S 2012-2013 FISCAL YEAR INITIAL ASSESSMENT RESOLUTION RELATING TO THE ANNUAL SPECIAL SERVICE ASSESSMENT TO FUND THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF SANIBEL FOR THE FISCAL YEAR OCTOBER 1, 2012 THROUGH SEPTEMBER 30, 2013; CONFIRMING AND AUTHORIZING MATTERS RELATING TO SUCH ASSESSMENT; SCHEDULING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE ANNUAL RATE RESOLUTION AND TO CONFIRM COLLECTION OF SUCH SPECIAL SERVICE ASSESSMENTS THROUGH THE UNIFORM METHOD OF COLLECTION (i.e. ANNUAL LEE COUNTY TAX BILL); PROVIDING DIRECTION FOR THE PREPARATION OF THE ASSESSMENT ROLL AND NOTICES REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE**

c. **RESOLUTION 12-065 APPROVING 2 ONE YEAR EXTENSIONS TO THE TERM OF THE FRANCHISE AGREEMENT BETWEEN THE CITY OF SANIBEL AND VEOLIA ES SOLID WASTE SOUTHEAST, INC. ("VEOLIA") TO OPERATE THE SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE COLLECTION AND DISPOSAL SERVICE WITHIN THE TERRITORIAL LIMITS OF THE CITY OF SANIBEL, FLORIDA; ACKNOWLEDGING VEOLIA'S**

COMMITMENT THAT THE SOLID WASTE, RECYCLABLES AND HORTICULTURAL COLLECTION AND DISPOSAL SERVICE COSTS CHARGED BY VEOLIA TO THE CITY FOR THE NEXT 2 FISCAL YEARS (FY 2012-2013 AND FY 2013-2014) SHALL BE NO GREATER THAN SUCH CHARGES TO THE CITY FOR FISCAL YEAR 2011-2012; AND PROVIDING AN EFFECTIVE DATE

- d. **RESOLUTION 12-066 APPROVING A SOLID WASTE RATE STRUCTURE FOR FISCAL YEAR 2012-2013 WHICH RESULTS IN A 3% DECREASE IN RESIDENTIAL RATES, A 1.6% DECREASE IN COMMERCIAL CURBSIDE RATES AND A 5.8% DECREASE IN DUMPSTER RATES; APPROVING A SOLID WASTE FRANCHISE FEE AND A SOLID WASTE DISPOSAL SURCHARGE; AND PROVIDING AN EFFECTIVE DATE**

- f. **RESOLUTION 12-059 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-042 AND PROVIDING AN EFFECTIVE DATE** (To eliminate one full-time authorized position and authorize 3.8 FTE part-time positions as follows: 1) add a new part-time .88 FTE administrative receptionist in the legislative department (\$16,765); 2) add 1.2 FTE part-time planners in the planning department (funds were previously authorized on BA 2012-040) and; 3) add .4 FTE part-time as needed police aid in beach parking for banking deposits (funds were previously authorized on BA 2012-018) and; 4) eliminate 1 FTE full-time environmental specialist in the natural resources department and authorize a .96 FTE environmental specialist. The full-time position being eliminated includes benefits; none of the part-time positions include benefits. This amendment also includes funds from ending fund balance for the prior natural resources director's leave payout (\$35,767). This amendment does not increase or decrease the FY12 budget)

- g. **RESOLUTION 12-060 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-044 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$19,850 from fees generated by the recreation center for operating supplies required but not previously budgeted. This amendment does not increase or decrease the FY2012 budget)

- h. **RESOLUTION 12-061 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-045 AND PROVIDING AN EFFECTIVE DATE** (To allocate from the General Fund additional payments to the General Employees Pension Plan and the Municipal Police Officers pension Plan. Allocations are as follows. Building Department Fund (\$239,576), Sewer Fund (\$514,284), Beach Parking Police (\$209,419) and Beach Parking General Employees (\$163,485). Increase sewer utility and sale of treated effluent revenue by \$146,376 and \$13,799 respectively to FY12 estimated actual revenues. This amendment increases the FY12 budget by the increased revenue estimate of \$160,175)

- k. **RESOLUTION 12-062 APPROVING A LEASE AGREEMENT FOR THE WEST LIGHTHOUSE CARETAKER'S COTTAGE WITH RANDALL D. WRIGHT; AND PROVIDING AN EFFECTIVE DATE**

- l. **RESOLUTION 12-063 APPROVING A LEASE AGREEMENT FOR THE EAST LIGHTHOUSE CARETAKER'S COTTAGE WITH DENNIS L. ROBERTS; AND PROVIDING AN EFFECTIVE DATE**

- r. **RESOLUTION 12-067 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2012-043 AND PROVIDING AN EFFECTIVE DATE** (To return funds to the General Fund that were previously transferred to the Rabbit Road Fund and the Tarpon Bay Road Fund. Bids that have been received for the Tarpon Bay Road and Rabbit Road projects are lower than budgeted. Additional road impact fees have been received that are eligible for the Periwinkle Way project enabling the return of \$160,000 to the General Fund. This amendment increases the FY12 budget with \$30,412 additional impact fees and \$4,680 of additional interest income)
- t. **RESOLUTION 12-068 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE** (Police Department and Public Works equipment)

Ms. Zimomra read the above-mentioned titles.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolutions 12-058, 12-065, 12-066, 12-059, 12-060, 12-061, 12-062, 12-063, 12-067 and 12-068.

Public Comment
None

The motion carried.

- e. Approval of a contract between the City of Sanibel and Blackhall Consulting Company, d/b/a Business Computer Skills for on-site Windows 7 Microsoft Office 2010 training for City staff for approximately \$20,000 to replace the New Horizons Computer Learning Centers contract as they can no longer provide the required training and authorize the City Manager to execute same
- i. Approve purchase of 4,000 cubic yards of shellrock material for road re-shelling from Florida Dirt Source in the amount of \$50,120 at \$12.53 per cubic yard (\$60,000 in the adopted FY12 budget for this purchase and does not increase/decrease the adopted FY12 budget)
- j. Award contract for 2012 Shared Use Path Repair Project to Bonness, Inc., in the amount of \$143,175.66 and authorize the City Manager to execute same (this project is funded through the adoption of the FY12 budget and does not increase/decrease the FY12 adopted budget)
- m. Approval of an agreement between the City of Sanibel and the School Board of Lee County for a School Resource Officer in the amount of \$40,000 from August 11, 2012 through August 10, 2013 and authorize the City Manager to execute same
- n. Approve purchase of Kubota L3800 Model Small backhoe off the Florida Sheriff's Association State Contract in the amount of \$37,219
- o. Council ratification of previously approved purchase of a 150 Kw generator through the "piggybacking" of the Florida Sheriff's Association bid (specification #84) from ACF Standby Systems in the amount of \$58,167 (previously approved by Council as an intended "Piggybacking" of a state-approved contract bid)

- q. Request from Ted Tyson and John Boone (Co-Applicants) for consideration to waive fees associated with their application for a Special Events Permit for the annual Veteran's Day Program, Monday November 12, 2012 and requesting City of Sanibel co-sponsor the event at City Hall flag pole, 800 Dunlop Road (this is a grandfathered event and the waiver amount is \$50)
- s. Request to increase the pay rate for Part-time Recreation Center Administrative Receptionist
- Vice Mayor Denham moved, seconded by Councilman Congress, to approve the above-mentioned items.

Pubic Comment
None

The motion carried.

OLD BUSINESS

Update from Vice Mayor on water quality issues

Update regarding the proposed Educational Program

Proposed Request for Proposals (RFP) for Public Relations Campaign

Vice Mayor Denham spoke to the following:

- Have a defensive plan
 - Suggested area captains for response – first meeting July 18th
- Put together legislation
 - Work with Legislative Affairs consultants to wait to possibly develop as not to bring forward more opposition
- Citizen d legislative
 - Have public relations plan
 - Lee County had developed plan
 - Further modified program for a regional approach and work with Lee County
 - Mayor/Vice Mayor worked with Lee County Board to develop program
 - Continued to have series of meeting with representative of Lee County municipalities
 - Attend each Lee County municipality for funding assistance in the near future
 - End of August engage Lee County
 - Continue to work with SCCF
 - Continue working with local Council's and Mayors

Discussion ensued regarding working hand in hand with Lee Bounty, should work in close collaboration, Lee County plan different and lending additional funds could make plan more regional, expand Lee County program rather than an individual program, question posed to Lee County during discussions of expanding program or individual, what would be the dollar amount, possibly \$100,000 or less due to Lee County program, working with County on several items, staff interpretation of some agreement appear county wants to end, need synergy and work with County, work collectively to save money, have Interlocal that should be honored, expand County program, but do not want to lose any ground, beneficial for Mayor to contact County Board, Mayor agreed, Vice Mayor to work with local Council's, maybe the need for a Mayor's roundtable, those suspended until after election, financial assistance, County allocation for program, James Evans, Director of Natural Resources noted that the Lee County budget was initially \$200,000 and overall a lot of work was put in to their program, Ms. Zimomra noted that staff obtained County program, City Manager to send to Council, she noted a combination of wrap around, billboard and electronic, she further noted that if Council happy with message and creative work, but may want to ask that something was incorporated to regional agenda, County did not cover regional aspects, tight budget this year, may not be able to do and limit if incorporated in budget, concern of timing due to budget funds, may happen after budget approval, Bonita Springs included \$5,000 to \$10,000 for program, may need a hard ask with appropriate funding, excellent idea to piggy-back and enhance County program, trying to achieve a

common goal, Director Evans noted that all communities with impaired water bodies were working on Total Maximum Daily Loads (TMDL) and basin management action plans and part of the action plan credit was would be given for environmental education on fertilizer and nutrient reduction and may be a selling point, Director Evans and Mayor work with County, may have challenges with inland cities, ask City Manager to have City Clerk schedule meeting with Chairman Manning with Mayor Ruane and Director Evans, County Board back in August, approach SWFMD and Phil Flood for funds, City Manager continue to look for potential educational grants, does SFWMD have other program similar to Lee County and Vice Mayor meet with Phil Flood.

Public Comments
None

Council recessed at 10:18 a.m.

Council reconvened at 10:32 a.m.

**Status report regarding Community Housing Resources, Inc. (CHR)
CHR Contract (proposed)
Draft language for EAR as proposed by CHR, Schedule and Timeline
CHR Financials as of June, 30, 2012**

Councilman Congress spoke to the following:

- Contract follow-up
 - Expires September 20, 2012
 - City Attorney incorporate matrix to contract
 - CHR requested revisions as follows
 - Section 3d i, ii, and iii – in the event CHR was required to relocate
 - Based on budget CHR would not be moving and completing eliminate moving item

Discussion ensued regarding CHR and Seniors happy, repair roof and air to relieve pressure of potential moving, inclusive of 740 square feet and options was to move did staff look at empty store fronts in City, spoke to seniors and see no need to move, if economically able may move entire senior and CHR operation, concerned with property values continuing to decrease, must live within means, and Mr. Cuyler noted that moving did not need to remain in contract.

- New Section 7 when CHR comes back to Council with annual goals from 90 days to 120 days as it relates to EAR
- Added language addressing implementation of actual items EAR relating to EAR

Discussion ensued regarding changing the foal in EAR as it relates to number of units to a percentage and change number may not be wise and EAR thoroughly address with CHR Board

- Restore strike through CHR reporting to Council regarding annual plan in October
- Recommend Section 8 striking out allocation of points after completing needs assessment – would like City essential workers

Discussion ensued regarding main purpose of CHR was to provide City essential workers in CHR housing, fees paid to CHR – section 3 a and b, City trying to live within means, reducing people, city salaries, problem with a 3% escalator to CHR, CHR needs to live within their means, contemplating reducing further City benefits, \$174,000 per year to CHR, concern to increasing the fee paid to CHR from \$240,000 to \$274,000, huge difference between CHR and other budgeted items, CHR been through turbulent times and no fat in their budget, reviewed City budget that could be leaner, was there a risk that CHR budget could be balanced, have measures in place to balance CHR budget, have aggressive fund raising plan, but nowhere to cut, if Council invest in CHR

would pay-off in the long run, one year that CHR forged the 3%, 20% down in City budget, looking forward and concerned in next 5 years, with everything considered how does Council agree to a CHR escalator, community may not understand where CHR has been and mission statement, believe that CHR budget needs the 3% escalator and concern CHR had no reserves, City had reserves, incremental increase would be \$50,000, reviewing situation can not approve 3% escalator, could include based on setting goals give incentive for increase, concern this was a 5-year contract, develop fundraising effort could raise needed funds, have to restore reputation, Council provide a one-time payment for a fund raising campaign, Richard Johnson, CHR Board President suggested Council allow Board to work with liaison and bring back an action plan for 3% escalator, made significant progress, he recognized CHR did not begin with strength and trimmed budget to much, may include incentivization, possible 3 year contract rather than 5 years, City Attorney incorporate other changes and Councilman Congress to work with CHR.

Council by consensus decided to bring back at the August 07 meeting.

- EAR portion of agreement
- Allow CHR to review
- Staff presented a mark-up of Section 3.6.1 of code with language for discussion
- CHR had Board retreat to discuss EAR
- Goals and objectives presented in the agenda packet
- Pages 10 and 11 real discussion
- Council decision to bring back to Council, then refer to Planning Commission
- Goal today to discuss what CHR working on with goals and objectives then send document to Planning Commission

Discussion ensued regarding pages 10 and 11, CHR currently had 88 Below Market Rate units, 74 units were rental units and 14 limited equity units, currently Section 3.6.1 as per 2004/05 EAR calls for 3% of residential units which would total 103 or 104, was 3% the correct figure and what was the goal, CHR priority was fiscal responsibility, invest in physical housing stock, did not completely blend with the community and create a fund raising program to reach objectives, then a perform a full needs assessment, CHR did not want to touch 3% escalator without feasibility study or needs assessment completed, when EAR completed criteria was different, uncomfortable including 104 CHR units, which infers that the City would have an obligation, included in contract would put City in a box, uncomfortable with inclusion of units, 103 units way beyond any expectation, page 11 third paragraph wording of “to maintain the commitment of 103 units”, maintain housing stock and not commit to further construction, include language to the effect of the previous comment, should not include 103 units, was City required to have a certain number of units in EAR, Mr. Cuyler explained that the state had become less involved in community housing, he continued to state that the Sanibel Plan was a legally binding document as a broad policy statement in most cases and the 3% Director Jordan noted at the current time there was no longer a state requirement to assess housing needs, sitting on Regional Planning Council no other community planning document includes, Mr. Cuyler stated state less involved in community housing, Sanibel plan a legal binding document implemented through land development code and 3% was a target and does not say the target needed to be accomplished within the 7 year period until the next EAR review and no penalty, he noted that on the other hand someone could point the 3% in the comprehensive plan that was a target of what the city should be doing, “ add to page 10 “based on 2012/13 CHR would perform a needs assessment and feasibility study and recommend to City a revision or reconfirmation of suggested units”, do not take way percentage until CHR was able to assess, and allow Planning Commission to fine tune wording and objective was to concentrate on fiscal responsibility.

By consensus Council decided that Councilman Congress would work with CHR for the Planning Commission meeting on July 24th and/or bring back new language to Council at the August 07 meeting and Council decide to include on the August 07 meeting agenda.

Public Comment

Armand Ball commented is appreciation of Council’s attention to CHR and the budget struggle CHR and Council was discussing.

Ms. Zimomra noted that staff was pursuing a county declaration for Tropical Storm Debbie. She further noted that the City also needed to have a declaration due to damages in the amount of \$160,000. She asked that the agenda be amended to include an emergency declaration through resolution.

Vice Mayor Denham moved, seconded by Councilman Harrity, to amend the agenda to include the above.

Public Comment

None

The motion carried

Discussion regarding the Historical Museum and Village Contract expiring September 30, 2012

Current Agreement

Financial Statement year ended September 30, 2011

Contract Matrix

Profit and Loss Comparison ending December, 2011

3rd Quarter Financials

Councilman Harrity spoke to the matrix included in the agenda packet as follows:

- Spoke to the fiscal performance
- New 5-year lease
- Section 1 shows great funding raising and would not change
- Section 2 and 3 City contributes in-kind costs with repairs and maintenance in the amount of \$25,000
- Section 2, 3 and 4 would be \$45,000 in administrative fees and \$38,000 for salaries
- Total City expenses \$108,000 per year
- Section 3 and 4 reduce by 4to 6% over an annualized basis and compounded over the life of the contract; about \$20,000 less
- Section 5 – reports timely
- Section 6 – no change
- Most expenses self-funded
- Section 7 and 8 no change
- Increase special events
- Requests for service of alcohol beverages must come before Council for approval

Mr. Werner spoke to:

- Section 3 and 4 reduce \$20,000 over all over a period of 5 years
- Discuss at Board meeting

Discussion ensued regarding eventually would be a stand-alone program, \$400,000 in assists and \$300,000 in liquid assists, when would the stand-alone happen, which was to be from the last contract five years ago for a stand alone entity, Mr. Werner spoke to a different need and economic situation, no Board of directors, 501 3 (c) established, no wording that there would be a standalone facility, fundraising Putin reserves for new housing, new building would be multi-purpose building, need reserves for emergency situation, difficult to project stand alone entity, have 2 employees and hired bookkeeper, no computerized cash register at entrance of museum, cost about \$120,000 to run entity, resubmit packet with expected expenditures at the August 07 Council meeting and ultimate goal was to have an independent entity.

Council by consensus asked this topic to be included on the August 07 Council meeting.

Mayor Ruane announced the following that Council was convening the below at 12:05 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 into open session at 12:55 p.m.

Council recessed at 12:55 p.m.

Council reconvened at 1:04 p.m.

FY12 Budget Issues

Budget Calendar

City Council FY 11/12 adopted goals

Ms. Zimomra spoke to the following:

- Invested in reducing unfunded liability for the 2 pension plans in the amount of \$5 million at Council's direction
- Council's direction to reduce debt load invested \$1.2 million for payment of recreation center
- Loaned the sewer fund \$1 million from the general fund in an effort to reduce debt
- Property values about 21% lower
- Ending fund balance lower than in past years
- Attempted to maintain Council goals
- City salaries remain flat for the 5th consecutive year
- Staffing levels reduced 142 in 2007 to 114 in current draft budget
- Major change – allocation for health costs for general employees and dependents were reduced by 10% in current levels
- Draft budget assumed that \$6.1 million in disaster, environmental contingency fund would be spent before October 01, 2012 beginning next fiscal year and no plans to spend, but reallocate to funds next year
- \$100,000 spent for damages related to Tropical Storm Debby – advised Lee County adopted an emergency declaration; state reimbursement was 70 to 75% and would go back into disaster fund will try to recoup
- Solid Waste reduction fees shown in budget; residential rates reduced by 3%, commercial rates reduced to 1.6%, commercial dumpster reduced by 5.8%
- Solid Waste contract extended and freezes collection costs; solid waste cost made up of 2 elements; 1) disposal cost, which Lee County controls; 2) collection costs, which was control by contract
- Draft budget maintains sewer rates – rate study called for 3% increase, but budget called for
- Building fees reduced by 25%
- Certain Planning fess reduced
- TDC grant approved in the amount of \$1.2 million at TDC level, but contracts have not been received
- Recreation fees stay flat based on Council's previous direction
- Restructuring Police Department and Planning Department

- City contribution to the Historical agreement was included at a flat level
- CHR 3% increase was include for one year
- \$700,000 project included for Center4Life, amount reduced to \$400,000 due to appraised value
- \$129,000 spread over 2 years 1)\$40,000 for recreation center/school playground over 2 years; 2)security system for playground; 3)\$14,500 for city-share for ballfield repair – County and School District not replied
- \$2.2 million for capital improvements for Shared Use Path project on East Periwinkle Way to Kings Crown to Lighthouse moving path and widening

Discussion ensued regarding piggy-backed on Lee County to submit claims for Tropical storm Debbie, \$160,000 identified fro Tropical Storm Debby, anything in budget that City Manager would be uncomfortable with, Ms. Zimomra noted the fact the first year no additional money in reserves, 2 yrs ago fully fund disaster and totally refunded, last year \$1.6 million and now stepping down with a possible exposure, major algae outbreak historically TDC returned funds, but need up front money for reimbursement, 2nd area overall reserves \$6.1 million spent before no additional money, Council directed \$600,000 last year and this year to pay down debt and could put aside and slow down paying debt, have funds in-hand at an appropriate level, budget presented with Council previous direction, find some way to put more money in fund, if capital projects were deferred it still would not allow more funds, investments in technology offered a return on investment and reduce approximately \$12,000 with the upgrade, timed technology investments was so staff would not be too far below cutting edge, putting additional \$1 million in GEPP, may need to cut some capital projects, uncomfortable with nothing in the reserves, deferring recreation center debt pay down, millage rate staying the same, should have \$3 million in reserves, then how does Council find more money in reserves, 3 components; 1) millage rate; 2) paying off debt; 3) reserves, Council could reassign money in November, what level of risk was Council comfortable with, Ms. Zimomra advised that the total amount spent for Hurricane Charley was between \$10 and \$12 million including 95% reimbursable and non-reimbursable, greatest financial risk was a greater storm with no declaration, insurance deductibles were increased, the reason to contribute to the disaster fund was risk factors, need \$4.5 in a disaster fund, need to discuss managing risk for an emergency storm, major event like Hurricane Charley cash flow was in question, had the ability to borrow money if needed, safest place for reserves in unrestricted reserves, Ms. Zimomra stated early in process staff did white-glove restoration then met with FEMA and need to separate and document, fight to receive reimbursement for debris on private streets, got additional and alternate funding, such as a grant from agriculture for waterways and policy issues that underline those items, treat any disaster as was done after Hurricane Charley, moneys relative to Charley, no sewer increase, realignment breakdown for Police Department re-alignment, and separate worksheet on capital funds, \$1.5 in reserves.

RESOLUTION 12-069 ADVISING THE LEE COUNTY PROPERTY APPRAISER OF THE PROPOSED OPERATING MILLAGE RATE, THE ROLLED-BACK RATE, THE PROPOSED AGGREGATE MILLAGE RATE, THE MILLAGE LEVY FOR THE SEWER VOTED DEBT SERVICE, THE LAND ACQUISITION VOTED DEBT SERVICE, AND THE RECREATION CENTER VOTED DEBT SERVICE AND THE DATE, TIME AND PLACE AT WHICH A PUBLIC HEARING WILL BE HELD TO CONSIDER THE TENTATIVE OPERATING MILLAGE RATE FOR TAX (CALENDAR) YEAR 2012 AND TENTATIVE BUDGET FOR THE CITY OF SANIBEL 2012-13 FISCAL YEAR; AUTHORIZING AND DIRECTING THE CITY MANAGER TO PROVIDE CERTIFICATION OF SAME; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-069. She noted the blanks as follows:

- Subsection A - 1 2.1398
- Section C - 2.1398
- Subsection 2 - \$8,733,402

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolution 12-069 and blanks were item a blank 2.1398 mills; item c 2.1398 mills and section 2 \$8,733,402.

Public Comment
None

The motion carried.

Center4Life Issues and Alternatives, 2401 Library Way and direction to Staff AND Approval of an agreement between the City of Sanibel and Bessolo Design, Inc., for architectural engineering services in the amount of \$87,595 and authorize the City Manager modify scope as necessary and execute same

Scott Krawczuk, Acting Public Works Director and Andrea Miller, Recreation Director advised of the following:

Mr. Krawczuk:

- \$400,000 enough to repair the roof and AC system
- Request was design money
- Redesign scope to decrease
- Allocation for architectural fee

Discussion ensued regarding using an architectural for design, \$275,000 for hip roof and \$90,000 for flat roof, not supporting architectural study, go back to architect for hip roof, disadvantages with flat roof over long-term, if Council wants to maintain building as is, then flat roof would be fine, but for the long-haul a hip roof was needed, give architect a scope could be savings, \$87,000 for a comprehensive study, 2 looks, flat and hip roof, Council to decide which one is wanted, HVAC cost \$130,000 and hip \$275,000, and cost out extra square footage.

Mayor Ruane moved, seconded by Councilman Harrity, to narrow the scope, include flat and hip roof including the HVAC in keeping with \$400,000 and potentially increasing size of aerobics room.

Motion was amended upon agreement of Mayor Ruane and Vice Mayor Denham to include direct staff. The full motion as follows:

Mayor Ruane moved, seconded by Councilman Harrity, to direct staff to narrow the scope, include flat and hip roof including the HVAC in keeping with \$400,000 and potentially increasing size of aerobics room.

Public Comment
None

The motion carried.

RESOLUTION 12-070 OF THE SANIBEL CITY COUNCIL RELATING TO THE DAMAGE CAUSED TO THE CITY OF SANIBEL BY TROPICAL STORM DEBBY; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 12-070.

Discussion ensued regarding should declaring an emergency in the title and Mr. Cuyler noted that Lee County did not declare an emergency, but at the state level Lee County was one of the counties name for reimbursement as a result of damages.

Mayor Ruane moved, seconded by Vice Mayor Denham, to adopt Resolution 12-070.

Public Comment
None

The motion carried.

CITY MANAGER

Informational Items

Analysis of the Reported Bicycle and Pedestrian Incidents 2006 – 2012

Ms. Zimomra spoke to the following:

- Shared report with Bike Club
- Report shows a relatively small number of accidents
- Path system extremely safe
- Some vegetation needs to be cut and work with residents to trim vegetation

Update regarding request for individual Council email addresses

Ms. Zimomra noted that staff compiled municipal information relative to individual Council emails.

Discussion ensued regarding the need to get rid of junk mail, Ms. Zimomra noted similar that City Manager does triage Council mail and general solicitation Council does not receive, the same standard could be used for sancouncil email, different question was individual Council emails, get rid of junk email, Ms. Zimomra noted that she triaged City Council mail the was not relevant and she could triage sancouncil email.

Councilman Congress moved, seconded by Councilman Harrity, to have individual email addresses.

Ms. Zimomra noted that some municipalities have an email policy. She further noted that if Council wanted a policy brought back it could be placed on the August 07, 2012 agenda. She also noted that if Council members wanted new email addresses new business cards should be considered.

Public Comment
None

The motion carried 4 to 1 with Vice Mayor Denham voting in opposition.

Mayor Ruane moved, seconded by Councilman Congress, to triage sancouncil email and emails sent from Council's individual email accounts be sent to the City Manager.

Public Comment
None

The motion carried.

Causeway counts, April and May 2012

Building Department Monthly Revenue Report, June 2012

Building Department Monthly Permit and Inspections, June 2012

Planning Department Permit Activity Report, May, 2012

Planning Department Code Enforcement Activity Report, May, 2012

Grease Trap Report, June 2012

Status report of drainage improvements to the ballfields

Ms. Zimomra noted that \$14,500 was the total cost of ballfields.

Status report regarding the proposed playground

Ms. Zimomra noted that Council had asked for quotes for the playground with cameras, and correspondence to Lee County was included. She noted that there had been vandalism at the ballfields

Status report regarding Shorehaven Caretaker Cottage, 111 Birdie Lane

Ms. Zimomra noted that the above had been found to be a historical structure by the Historical Preservation Committee as a display for African American history.

Distribution of Historical Analysis of the Sanitary Sewer Utility

Ms. Zimomra noted this was included in the agenda packet and additional information was requested by Councilmembers and would come back at the August 07, 2012 City Council meeting.

Ms. Zimomra spoke to the following:

- Council taking a very deliberate approach to maintain property values
- Goals at the August 07, 2012 meeting
- After Hurricane Charley Council bifurcated redevelopment and buildback focusing on buildback
- Resort District Resort discovering that resorts in the resort district were different to resorts in residential were very different
- Resorts in Resort District was taken up next
- Contractor working out of Planning working on green checklist
- Next would be Resorts in the Residential District
- Recommended discussing the Commercial Redevelopment rather than Resorts in the Residential District

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Councilman Jennings thanked Mr. Cuyler for his opinion regarding the placement of political signs.

Report regarding the invitation and attendance of the Maret School, Washington, D.C. Sunday, June 23, 2012 function and proclamation

Councilman Congress spoke to the following:

- Students interested in learning about the economy and environmental
- Proclamation would be mailed to Maret School

He further spoke to the increase in Causeway vehicles and thought that the number of people visiting Sanibel was not necessarily reflected of the counts due to the causeway improvements.

Ms. Zimomra noted that there was significant increase in complaints from bay front property owners due to the increase in activities. She noted that the County was looking at an enforcement officer. She further noted that the hot dog stand would be gone as of August due to children crossing the street.

Attendance to the MPO June 22, 2012 meeting

Councilman Congress noted the Sarbanes Study was approved.

Report of attendance at the Florida Municipal Insurance Trust (FMIT) Annual Conference and meeting June 01, 2012

Report regarding the June 08, 2012 Tourism Development Council (TDC) meeting

Mayor Ruane spoke to the following:

- FMIT returned member dividends
- FMIT approved 8% insurance increases
- TDC adopted \$1.2 grants
- Sanibel MPO seat up in 6 months
- Laundry list of items to go over with Commissioner Manning

Vice Mayor Denham announced grandson was leading in the Alabama golf competition.

PUBLIC COMMENT

Gloria Hannan spoke to the Causeway Island and noted the enforcement was terrible i.e., vehicle parked for 4 days, launching jet skis from causeway, need trash pick-up,

Claudia Burns spoke to being very impressed with the bike analysis. She asked what items were in the bear goodie bags.

Ms. Zimomra noted that everyone received a bear t-shirt, personnel file letter, and small check of compensation.

There being no further business the meeting adjourned at 2:28 p.m.

Respectfully submitted by,

Pamela Smith, MMC
Sanibel City Clerk