

**SANIBEL CITY COUNCIL REGULAR MEETING  
MAY 06, 2008**

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

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

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

**Public Comments**

Karen Storjohann thanked Council for their volunteer unpaid service. She further spoke to the State legislators producing municipal financial problems.

Steve McCarney spoke to energy efficient action and renewal of energy efficient costs. He further spoke to the energy audits being performed by LCEC and possible expenditures due to the audits.

Hazel Schuller spoke to Sanibel Realtor advertising on beach equipment and the Planning Department only actively pursuing beach chair storage.

Val Asir spoke to the DVD fertilizer mailed to property owners. He further stated the DVD was incorrect.

Ed Seibert spoke to his agreement with the previous speaker complimenting Council. He further spoke to the national debit \$9.5 trillion dollars.

Jim Lavallo recommended phasing out large Police vehicles and would like to see the overall City expense on a Council agenda. He suggested the operating expenditures for the new year be 95% of the current year's budget.

Ms. Zimomra stated that Council did approved a mid-year budget expenditure at the last Council meeting

Steve Maxwell spoke to being able to save \$1.5 million dollars for the City. He further stated that he would like to see to focus; 1) personnel, Planning, public works and Police Department employees should be non-negotiable, and discussion that any first reading of an ordinance on taxing issues be allowed

**PRESENTATION(S)**

**Recognition of Police Officers Holovacko, Krivas and Williams for obtaining Senior Officer status. Senior Officer status is awarded only to officers who obtain 160 additional hours of training in the areas of Field Officer Training, Line Supervision Training and Middle Management Training**

Mayor Denham recognized Officers Holovako, Krivas and Williams for obtaining Senior Officer status by receiving 160 additional hours of training.

Chief Tomlinson spoke to more depth among officers and adds more functionality.

**Recognition of Police Officer George Krivas as "Officer of the Year" by the Lee County Bar Association**

Mayor Denham announced that Officer George Krivas was the Lee County Bar Association Officer of the Year. He further stated that he was recognized Friday, May 4 at the annual luncheon.

## **Council Comments**

Councilman Jennings spoke to the Community Park playground opening April 21, 2008. He further spoke to May 14<sup>th</sup> being Bailey's Island night.

Mayor Denham spoke to the devastation of the cyclone that struck Mylamar former Burma.

Councilmember Johnston spoke to the need for discussion of items before an ordinance was heard. She also spoke to the budget process mandated by the state. She further spoke to the number of property owners attending the meeting.

Councilman Pappas spoke to increased oil prices due to the dollar collapsing. He also spoke to any green alternative presented he would approve.

## **Planning Commission Report**

Commissioner Mike Valiquette gave the following report of the April 22, 2008 Planning Commission meeting.

- Meeting of Below Market Rate Housing sub-committee
- 4381 West Gulf Drive above-ground pool was approved
- LDC review at every meeting

## **Second Reading and Public Hearing**

### **City Manager Memorandum – Recommendation to establish an Energy and Water Conservation Task Force and table Ordinance 08-009**

**ORDINANCE 08-009 AN ORDINANCE LEVYING A PUBLIC SERVICE TAX ON THE PURCHASE IN THE CITY OF ELECTRICITY AND WATER SERVICE, EQUAL TO TEN PERCENT (10%) OF THE PAYMENTS RECEIVED BY THE SELLER OF SUCH TAXABLE ITEMS; PROVIDING THAT SUCH PUBLIC SERVICE TAX IS LEVIED PURSUANT TO THE AUTHORITY OF SECTION 166.231, FLORIDA STATUTES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR COLLECTION BY SELLER FROM PURCHASER AND TAX TO BE REMITTED BY SELLER TO CITY; PROVIDING FOR RIGHT OF SELLER TO DISCONTINUE SERVICE FOR FAILURE TO PAY TAX; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE FOR THE ORDINANCE, AND AN EFFECTIVE DATE FOR THE LEVY OF THE TAX OF OCTOBER 1, 2008**

Ms. Zimomra read the title of Ordinance 08-009.

Mayor Denham spoke to the following:

- Council reviewing the budget and losing revenue
- Short fall in property tax
- Possible reduction of municipal services
- Neighboring communities evaluating personnel, revenues and expenditures
- Issues can only be discussed at Council meetings
- Community came together on water quality

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to not approve Ordinance 08-09.

Discussion ensued regarding a motion to table not allowing discussion, community not supporting a utility tax, mid-year budget adjustments made, taxes lowered last year, budget process would be extremely

difficult, motion pre-empts dialogue, Council meetings not well attended, the need for preliminary discussion before an ordinance was brought forward, and decision should not be made arbitrarily

#### Public Comment

Wayne Ponader spoke to public comment could be made by anyone.

Karen Storjohann spoke to attended Council meeting.

John McCabe spoke in favor of the ordinance.

Dr. Manjeri spoke high fees to play tennis at private clubs.

Homer Azir spoke to the recreation center and the cost to operate.

Tracy Sharpe spoke to decreasing cost to operate her business. She spoke against the ordinance.

Harvey Sugarman spoke to Mayor Denham's editorial where the dog park was mentioned and the Sanibel Dog Club would pay for construction and maintenance.

Jerry Tabor spoke to the two editorials in the News Press. He further stated the need for advertising, could not find budget information on the website, causeway revenue to begin in 2010, reviewed the tax revenue, Ms. Zimomra instructed the audience on how to find the budget on the City's webpage, he spoke to increase in expenditures over the last several years, and the focus should be on cost reduction.

Ms. Zimomra stated that residents could sign-up to receive City announcements.

Discussion ensued regarding municipalities can no longer increase taxes due to state caps, Lee County indicated the Causeway revenue would be pushed back to 2012 or 2015 when a junior lien was paid for the causeway construction.

Billy Kirkland spoke to having to lay-off 3 employees and charging for things never done before.

Hartley Kleinberg spoke to an article in the News Press on April 22. He further spoke against the utility tax. He also spoke to zero-based budgeting. He also spoke to the utility tax issue being brought forward in the past several times.

Susan Bernard spoke to comments made by the recreation center and was opposed to it the construction and against any increase in fees.

John Rapport spoke against the new recreation center construction. He spoke to the number of police vehicles and the marine boat.

Jennifer Delinear spoke against the ordinance. She further spoke against the recreation center.

Councilman Pappas spoke to the recreation center already constructed and in meetings where only people attended that were in favor of the center. He also spoke to problems with Lake Okeechobee in the past and in the future with a heavy rainy season.

Walt Knudsen spoke to 50% of the tax bill going to Sanibel.

Ms. Zimomra stated the Library, Fire and School districts are all independent districts with their own budget hearings and elected officials. He asked how the ordinance got on the budget.

Discussion ensued regarding Councilmembers thinking it was worth discussion, and should have been only discussion before an ordinance came before Council for consideration.

Ted Tyson recommended having a public hearing on issues with pros and cons then an ordinance would be drafted for Council consideration.

Steve Brown spoke to residents having input and Councilmembers being volunteers. He further spoke to stopping personal insults.

Ann Yarnel spoke to the lack of communication and the need to review the interpretation of the Sunshine Law.

Robin Humphreys spoke to the Sanibel-Captiva Realtors formed a task force for water quality, took the idea to the National Group and very involved at the state and federal level.

Ann MacDonald spoke against the Utility Tax ordinance. She further spoke against the Recreation Center, trip to Hawaii, increased salaries for senior management, the need to decrease police vehicles and slash expenses.

Steve Maxwell spoke to this week being Civic Engagement Awareness Week. He presented a petition with 408 names. He asked what staff member had the idea for the ordinance and who wrote the ordinance.

Louise Johnson spoke residents not wanting the utility tax.

Judy Michie spoke to need for a policy that names should be behind agenda items.

Mayor Denham stated he takes responsibility for bringing the ordinance forward for discussion.

Dr. Berger spoke to risk management for items the need to be discussed. He further spoke to items brought up for discussion at Planning Commission meetings.

The motion carried.

Council recessed at 10:54 a. m.

Council reconvened at 11:06 a. m.

## **CONSENT AGENDA**

Councilmember Johnston pulled the April 15, 2008 meeting minutes.

Mr. Cuyler noted that there was no action on Ordinance 08-009.

- a. Approval of Minutes –April 15, 2008 Regular Meeting, and January 15, 2008 Regular Meeting

Councilmember Johnston spoke to a discussion about how neighbors could be protected on the generator issue.

- b. **RESOLUTION 08-053 AMENDING THE SPECIAL EVENTS SCHEDULE OF FEES FOR THE CITY OF SANIBEL; PROVIDING FOR FEES FOR RENTAL OF VARIOUS EQUIPMENT FROM THE CITY; PROVIDING FOR FEES FOR RENTALS OF CITY FACILITIES AT COMMUNITY PARK AND BOWMAN'S BEACH PARK; AND PROVIDING AN EFFECTIVE DATE**
- c. **RESOLUTION 08-054 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-047 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$576,810 in new funding received from Lee County for a comprehensive study to understand the dynamics of

harmful algae growth in the waters of Lee County. The City of Sanibel is contributing \$192,272 of previously allocated funds to the total cost of \$769,082 for this study. Remaining costs are grant funded. A copy of Lee County grant #402118 is attached. This amendment increases FY08 revenue and expense by \$576,810)

d. **RESOLUTION 08-052 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE**

- e. **RESOLUTION 08-055 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-045 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$1,100 of vending machine royalties and to roll-forward the FY07 fund balance of \$343 for the Scholarship Fund administered by the Community Foundation. This amendment increases the FY08 budget by \$1,453. All funds received from vending machines located at City facilities)

Ms. Zimomra read the titles of Resolutions 08-053, 08-054, 08-052 and 08-055.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolutions 08-053, 08-054, 08-052 and 08-055.

The motion carried.

Vice Mayor Ruane made a motion, seconded by Councilman Pappas, to approve the minutes of April 15, 2008 with the inclusion of the request from Councilmember Johnston as noted above.

The motion carried.

## **OLD BUSINESS**

### **Updates on Financial Issues**

**Update regarding meeting with Chief Financial Officer (CFO) Alex Sink, Vice Mayor Ruane and staff Monday, April 07, 2008**

**Letter of April 23, 2008 to Dr. James Francis, Senior Investment Policy Officer and Economist with the State Board of Administration (SBA)**

**Letter of April 29, 2008 to Chief Financial Officer Sink**

**Release from the State Board of Administration (SBA)**

Vice Mayor Ruane gave the following report:

- \$13 billion taken out of the fund
- Documentation suggest the portfolios valuation decreased by \$32 million
- Selected items would generated the least amount of loss
- Money removed was without penalty
- Requested increased liquidity to 50% or \$12 million without penalty
- State retained counsel to investigate if disclosure was made regarding investments from brokerage firms
- How to fund investigation – SBA initial investment to investigate
- No further funds to pay for investigation
- Pool A - fund removal by May 15, 2008
- Pool B – security allow 7.7% out, which matured
- Pool B – another security to mature in June, 2008 of \$1.5

Discussion ensued regarding 50% of \$12 million or whichever was greater, spoke to the City Attorney about fund removal, statute calls for liquidity, outside company to complete an audit, internal controls violated frequently, management agrees with the audit finding, and a lot of turn over in the SBA.

### **Status of Building Department Staffing Levels**

Ms. Zimomra spoke to the following:

- Mid-year budget adjustment never done before
- Expenditures reduced
- Based on current workload the Building Department has 4 full-time employees
- 15 employees in August, 2004
- Number of employees in FY 2007-08 budget – 6.5 employees plus 1 contractual

Ms. Zimomra stated that directors funding request coming to the Finance Department with priorities and adjustments could be made before coming to Council. She spoke to a basic budget and there would be natural constrictions. She also stated that a balanced budget with the previous year's millage rate was always brought to Council during her tenure.

#### Public Comment

Barbara Cooley spoke to making a difference when attending Council meetings with suggestions.

### **Discussion regarding option of redirecting previously allocated funding from the Independence Day Fireworks display towards shade structure over Community Park playground equipment**

**RESOLUTION 08-056 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-048 AND PROVIDING AN EFFECTIVE DATE** (to transfer \$36,902 from the General Fund to the Community Park Improvement Fund to furnish and install playground shade structures. This transfer will be offset by the reduction of \$12,500 budgeted for the July 4 fireworks display in the following departments: 1) \$11,500 in the legislative department; 2) \$750 in the police overtime and 3) \$250 in the public works overtime. The remaining \$24,402 will be transferred from the General Fund Reserve for contingencies line. This amendment does not increase either revenue or expense. No new or additional funds are being appropriated by this amendment. The balance in the General Fund Contingency Reserve after this amendment is \$61,930

### **Approve Playmore Recreational Products & Services to furnish and install the Community Park playground shade structures for \$36,901.95, based upon the City of Jacksonville bid SC-0511-06**

Discussion ensued regarding type of screening that reflects the sun, this discussion delayed until the budget discussions, discontinuation of fireworks, how long the City has had a fireworks display, Bonita Springs canceled their fireworks display, Cape Coral Chamber of Commerce usually paid for fireworks, but could not this year, reason for implementing the shade structure was to protect children playing, need to look for more ideas, and put off the shade structure until the budget discussion.

#### Public Comment

Claudia Burns spoke against deleting fireworks.

Phyllis Gresham spoke to planting trees.

Tom Krekel suggested deleting fireworks and the shade structure over the playground.

Councilmember Johnston made a motion, seconded by Councilman Jennings, to have the Independence Day fireworks display.

The motion carried

### **Proposed Program to Recapture Crash Investigation Cost from At-Fault-Drivers**

Ms. Zimomra stated that staff was reviewing enhancements and user fees to recapture costs. She further stated that a number of cities were implementing the user fee.

Discussion ensued regarding the need for cost versus revenues, Ms. Zimomra stated there would be approximately a \$20,000 revenue stream, Mr. Cuyler stated this had been implemented in other municipalities, he further stated there was a differentiation of a resident and non-resident, and residents paying for cost of investigation.

Tom Krekel spoke against the proposal.

George Campano spoke against the proposal.

Ann Yarnel spoke against the proposal.

Ric Base, Executive Director of Sanibel Captiva Chamber of Commerce spoke against the proposal.

Discussion ensued regarding an accident becoming a lawsuit, Ms. Zimomra stated it would not be a lawsuit, but the driver at fault during an accident and should there be a cost to the person at fault when determined, she further stated that the user fee had been implemented in other Florida cities, and the user fee would be a cost cooperation.

Council consensus was not in favor of the proposal.

### **Status report on City of Sanibel funding request to Lee County Tourism Development Council (TDC)**

Ms. Zimomra stated the request for routine beach maintenance grant was increased.

**RESOLUTION 08-057 APPROVING A CDARS DEPOSIT PLACEMENT AGREEMENT WITH EDISON NATIONAL BANK FOR THE PLACEMENT OF CITY FUNDS IN TIME DEPOSITS (“CDs”) WITH VARIOUS APPROVED DEPOSITORY INSTITUTIONS; AND PROVIDING AN EFFECTIVE DATE** and authorize the City Manager to execute the agreement

Mr. Cuyler read the title of Resolution 08-057. He explained funds would be coming from SBA and a depository must be found to meet City needs.

Councilman Pappas made a motion, seconded by Mayor Denham, to adopt Resolution 08-057.

The motion carried.

### **Water Quality Issues**

#### **Reports from City Council members**

#### **Draft letter to stakeholders regarding City Council Caloosahatchee River Watershed Protection Plan Management Measures**

Ms. Zimomra stated that Council direction was to a draft letter back for Council consideration. She further stated the letter would go to all elected officials in the region.

Dr. Loflin stated the follow-up to the letter would get agencies to agree on priorities for the Everglades Protection funding

Council agreed to mail the letter by consensus.

## **Staff Reports**

Dr. Loflin spoke to the following:

- Get major agencies in the watershed to agree on priorities
- Identifying top priorities

He further spoke to the following:

- New Lake Okeechobee regulatory schedule approved
- Issues with getting the SFWMD to recognize the approved schedule
- SFWMD had not adopted the schedule for implementation
- Lake Okeechobee Water Resources Committee does not intend to use the new schedule in modeling

Discussion ensued regarding SFWMD policy board and governor to make clear the schedule was in effect, sending a letter to Charles Duaray, SFWMD Board member, Councilmember Johnston to work with staff to prepare a letter to Mr. Duaray, letter should go to all SFWMD board members and Lt. Governor Kottkamp, Dr. Loflin stated that the inclusion of making lands available for water retention, and Lake Okeechobee held at a lower level.

Dr. Loflin spoke to an ongoing blue green algae bloom on the south part of Lake Okeechobee and needs to be identified, any sense when water would be released, not a good idea to release water, water being held for irrigation, concern was if water was released the blue green algae would enter the Caloosahatchee River, and could anyone at FGCU help.

Mayor Denham spoke to the following:

- Fertilizer bill defeated
- Thank you letter sent on behalf of Council
- Lobbyist, League of Cities, Senator Webster
- Healthy Beach passed in the house and stalled in the senate
- Bring back the Healthy Beach bill next session

## **Report regarding Council's position on Town Center District Re-development Principle and Policy Report**

Discussion ensued regarding Council understands and agrees with the report, Councilman Pappas no clear understanding of what the community wants for re-development and commercial district owners want more, and property can not be re-developed as is, only mandated by the current code.

## **Revised FY2007-2008 Redevelopment Planning Work Program, Schedule and Reports**

For informational purposes.

## **COMMITTEES BOARDS COMMISSION**

### **Appointment of Barry Alan Roth to the Parks and Recreation Advisory Committee**

Councilman Pappas made a motion, seconded by Councilmember Johnston, to appoint Mr. Roth to the Parks and Recreation Committee.

The motion carried

## **Discussion regarding Advisory Committees meeting the Future Demands of the Community**

Ms. Zimomra spoke to the following:

- Previously brought a revised scope for the Parks and Recreation Committee to programming, fund-raising and a spin-off non-profit
- Received an e-mail from Wildlife Committee Chairman to review the proposal at their May meeting
- Met with Vice Mayor Ruane, Marine Advisory Committee liaison to draft a letter suggesting the committee participate in Emergency Management through the Police Department

Discussion ensued regarding Mayor Denham attending the last Wildlife meeting and members initiated becoming a volunteer group, Marine Advisory could be best utilized under emergency services would not be covered by sunshine and could help cover Sanibel waters.

Ms. Zimomra noted that Council extended committee members terms to June while staff reviewed restructuring the committees and if it was Council's direction to proceed with the proposed Parks and Recreation Committee scope a resolution would be brought back for Council's consideration at the next meeting. She asked if Council would like to advertise, recruit and interview over the summer and extend terms to October 31, 2008. She asked for a motion.

Mayor Denham made a motion, seconded by Councilmember Johnston, to extend all existing committee terms to October 31, 2008 and advertise and interview applicants in September and October.

The motion carried.

Mayor Denham made a motion, seconded by Councilmember Johnston, to amend the scope of the Parks and Recreation Committee.

Council agreed by voice vote.

## **CITY MANAGER**

### **Informational Items**

#### **Hurricane Season Preparedness**

#### **Update on Hurricane Pass Distribution**

#### **Priority List of Staff's Pre-Season Projects**

#### **State of Florida and FEMA notification the City of Sanibel has submitted required documentation for Hazard Mitigation Grant Projects**

Ms. Zimomra spoke to the following:

- Excellent response from property owners picking up hurricane passes
- Staff working on pre-season projects due to FEMA changes
- LCEC would like to be a part of helping at the hurricane seminars in explaining generator use

### **Revised Council liaison assignments as of April 15, 2008**

Ms. Zimomra called Council's attention to the revised liaison assignments and a letter would be sent to the Horizon Council.

### **Causeway Count for February and March, 2008**

Ms. Zimomra stated there was a slight increase in traffic numbers.

## **Correspondence regarding Dog Park**

Mayor Denham spoke to the following:

- Met with Dr. Sugarmann last week
- Would Council be interested in an dog park agenda item in the next four weeks
- Council agreed by consensus

Discussion ensued regarding possible land on Island Inn Road, Sanibel Dog Park Club willing to pay for expenses associated with a dog park including a referendum, prepared to talk about request, Sanibel Dog Park was an incorporated entity, Ms. Zimomra stated that staff recommendation would be to have an agreement with the dog club, City could have an agreement with the corporation, and Councilman Pappas spoke to Gulfside Park being the ideal location for a dog park.

### **Public Comment**

Karen Storjohann spoke against putting a dog park at Gulfside City Park, the need for dog licenses, number of dogs running on the beach without a leash, and no more dogs on the beach.

## **Iguana Management Update**

Ms. Zimomra noted that just over 500 iguanas had been removed.

## **Quarterly Financial Report**

Ms. Zimomra stated this report was for information.

## **Code Enforcement Activity Report for March, 2008**

## **Development Permit Activity Report for March, 2008 Permit Applications Second Quarter Comparison Chart**

## **Quarterly Report for the Alternative Transportation in Parks and Public Lands (ATPPL) grant study in partnership with the City of Sanibel, Lee Tran and J. N. "Ding" Darling Wildlife Refuge**

Ms. Zimomra noted all the above was for Council information.

## **CITY ATTORNEY'S REPORT**

None

## **COUNCIL MEMBERS' REPORT**

Councilman Jennings asked if a car would be made available for Island Night on May 14, 2008.

Council direction was to provide a car.

**PUBLIC COMMENT**

None.

There being no further business the meeting was adjourned at 12:38 p. m.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk