

9. **CONSENT AGENDA**

- a. Approval of minutes – November 04, 2008 Regular Meeting

**SANIBEL CITY COUNCIL REGULAR MEETING
NOVEMBER 04, 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.

Mayor Denham asked former Mayors and Councilmembers to stand and be recognized.

PRESENTATION(S)

Welcome and Recognition of “Celebrate Sanibel” Guests and Overview of Sanibel City Government & City Council Procedures

Mayor Denham welcomed residents that were attending the Council meeting during “Celebrate Sanibel” Week. He further spoke to the following:

- The week dedicated to Sanibel history
- Hold 2 meetings per month
- Open to public
- Introductions of the City Manager, City Attorney and City Clerk
- Council adopts legislation
- Allow public comment

Public Comment

Mark Hammond stated he would save his comments regarding public safety and the Donax area study until November 18 when the topic would be on Council’s agenda.

Proclamation Recognizing the Retirement of Tony Tritto, Public Works Department, Utility Division

Mr. Isom, Director of Administrative Services stated that Mr. Tritto could not be present.

Proclamation Recognizing the Retirement of Kenneth Pfalzer, Planning Department

Mr. Isom presented a proclamation and a Luc Century crystal to Mr. Pfalzer for his 27 plus years of service.

Bob Duffy, Planning Director thanked Mr. Pfalzer for the service he rendered the residents of Sanibel during his tenure.

Dick Walsh spoke to his experience in working with Mr. Pfalzer.

Hazel Schuller spoke to the dedication that Mr. Pfalzer showed as a Sanibel employee.

Ray Pavelka thanked Mr. Pfalzer in representing the City with fairness.

Louise Johnson congratulated Mr. Pfalzer on his retirement.

Mike Valiquette thanked Mr. Pfalzer for his dedication and retirement.

Jerry Muench spoke to Mr. Pfalzer's professionalism, and knowledge.

Mr. Pfalzer thanked the residents and City Council.

Public Comments

Dr. John Harries thanked the City Council and City Manager for be involved in "Celebrate Sanibel". He further acknowledged that Council worked as volunteers.

Karen Storjohann thanked Council and especially Councilmember Johnston for their service.

Hazel Schuller congratulated Councilman Jennings on his appointment to the Florida League of Cities Legislative Committee. She further spoke to the Sanibel Plan, gulf beach zone and permitted uses. She suggested having a conservation land district for beaches prohibiting dogs and bikes on beaches.

Claudia Burns thanked Councilmember Johnston for contributing her time to preserve island qualities.

Jeff Molnar spoke to the construction project on Periwinkle Way east of Donax and how it was handled by the contractor.

Ed Seibert spoke to the proposed Lee County Causeway fishing pier and the shade structures being 20 feet high, which would protruded above the new bridge railing. He further spoke to the proposed shade structures would obstruct the island view.

Louise Johnson thanked Councilmember Johnston for her work as a Councilmember.

Council Comments

Councilman Jennings spoke to voting being a privileged and reminded everyone to vote.

Vice Mayor Ruane stated that had been a pleasure working with Councilmember Johnston.

Mayor Denham agreed with the comments already made by Vice Mayor Ruane.

Councilmember Johnston spoke to her sadness in leaving

Councilman Jennings agreed with the comments made regarding Councilmember Johnston.

Planning Report

Les Forney gave the following October 28, 2008 Planning Commission meeting report as follows:

- Approval of the Mims house application with a new design.
- Approval of the Sanibel Sea School

Mayor Denham spoke to being proud of the Planning Commission decision regarding the Mims house.

Councilman Pappas spoke to attending the October 28th Planning Commission meeting.

Second Reading and Public Hearing(s)

ORDINANCE 08-018 AMENDING CITY OF SANIBEL ORDINANCE 07-011, AS AMENDED, WHICH ESTABLISHED AN UPDATED AND REVISED SCHEDULE OF RECREATION USER FEES FOR CITY OF SANIBEL RECREATION PROGRAMS; PROVIDING FOR THE ESTABLISHMENT OF

AN ADDITIONAL RECREATION PROGRAM TO BE KNOWN AS “FUN DAYS” IN ORDER TO PROVIDE RECREATION ACTIVITIES ON THOSE WEEKDAYS WHEN THE RECREATION CENTER IS OPEN BUT SCHOOL IS NOT IN SESSION; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 08-018.

Vice Mayor Ruane made a motion, seconded by Mayor Denham, to adopt Ordinance 08-018.

Public Comment:
None

The motion carried

CONSENT AGENDA

Council pulled items (a) and (b).

- a. **RESOLUTION 08-147 BUDGET AMENDMENT/TRANSFER NO. 2009-005 AND PROVIDING AN EFFECTIVE DATE** (To decrease General Fund appropriated expenditures in various departments and increase reserve for contingencies by \$293,398. Department expenditures are being reduced. These funds will help in the contingency reserve and will be available for re-appropriation by Council approval)
- b. **RESOLUTION 08-153 BUDGET AMENDMENT/TRANSFER NO. 2009-006 AND PROVIDING AN EFFECTIVE DATE** (Operating expenditures are being reduced in the Recreation Center Fund, Ballfield Fund, Beach Parking Fund, and Building Fund. These funds would be available for re-appropriation only with Council approval. Capital project fund appropriations for road improvements and equipment acquisitions are being reduced. The projects and equipment may be reinstated with Council approval. Reductions total \$1,219,170)

Ms. Zimomra read the titles of Resolutions 08-147 and 08-153. She spoke to the following:

- Prior years had minor budgetary changes
- Last year Council adopted a mid-year budget amendment in the amount of \$1 million dollar
- FY 2008-09 budget was adopted, which reduced staff, reduced expenditures and increased reserves
- Resolution 08-147 would put 3 Capital Projects on hold
- Watch the economic climate for the next 2 to 3 quarters
- Would proceed with Capital Projects if economic climate improve
- Requested putting \$290,000 in reserves rather than \$293,398
- City priorities would remain having a City that was 1) safe; 2) clean; and 3) Environmentally and fiscal sound

Discussion ensued regarding continuing to work with the budget and finding solutions, and Council thankful that the City Manager and staff handling the foregoing crisis.

Councilmember Johnston made a motion, seconded by Council Jennings, to adopt Resolutions 08-147- and 08-153.

Public Comment
None

The motion carried.

- d. **RESOLUTION 08-149 BUDGET AMENDMENT/TRANSFER NO. 2009-008 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$3,000 in revenue

and cost of sales for products that will be purchased to resale at the resale at the Recreation Center. This increases the 2008/09 budget by \$3,000)

- e. **RESOLUTION 08-152 BUDGET AMENDMENT/TRANSFER NO. 2009-007 AND PROVIDING AN EFFECTIVE DATE** (To recognize grant revenue and appropriate expenditure in the amount of \$43,260 for a CDBG grant awarded to cover cost of hurricane mitigation improvements to 25 multiple family units of Community Housing & Resources (CHR). This increases the budget by \$43,260)

- i. **RESOLUTION 08-148 APPROVING THE ADDITION OF THE TOWN OF FORT MYERS BEACH AS A PARTY TO THE LEE COUNTY TRANSIT AUTHORITY INTERLOCAL AGREEMENT; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolutions 08-149, 08-152 and 08-148.

Councilmember Johnston made a motion, seconded by Mayor Denham, to adopt Resolutions 08-149, 08-152 and 08-148.

Public Comment
None

The motion carried

- c. **Acceptance of Deed (to be executed in the form found in the agenda materials) from Community Housing Resources (CHR) to City for Woodhaven land and authorize City Manager to execute all related closing documents**

- g. **Request from the Lee Coast Chapter of Military Officers Association to waive the Special Event Fees for the Veterans Day Celebrate schedule for November 11th at City Hall** (This event would qualify for the grandfather exception for Special Events)

- h **Approval of a Multi-Jurisdictional Traffic Task Force Agreement between Florida Department of Law Enforcement and the City of Sanibel Police Department to perform DUI Checkpoints, Drivers License and Registration Checkpoints and Saturation Patrols and authorize the City Manager to execute same**

Mayor Denham made a motion, seconded by Councilmember Johnston, to approve Consent Agenda items (c), (g) and (h).

Councilmember Johnston left at 0951

- f. **Approval of a post-employment transition agreement between the City of Sanibel and Ken Pfalzer and authorize the City Manager to execute same**

Councilman Pappas spoke to item (f). He spoke to his disagreement of post-employment agreements.

Council called for the vote to approve Consent Agenda items (c), (g) and (h).

Public Comment
None

The motion carried. Councilmember Johnston was absent.

Discussion ensued regarding if post-employment agreements costing the City if not used, Ms. Zimomra stated the contract was an as needed basis and cost the City only if used, advantage to have a contract, Ms. Zimomra stated that was a policy question for Council, and was an advantage to have post-employment contracts.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to approve Consent Agenda item (f).

The motion carried with Councilman Pappas voting in opposition and Councilmember Johnston absent.

OLD BUSINESS

Water Quality Issues

Reports from City Council members

None

Staff Reports

Report regarding U. S. Sugar land acquisition and Sanibel and Lee County staff principles

Dr. Loflin spoke to the following:

- Draft list of discussion items
- Reviewed with Lee County staff
- Lee County Attorney and City Attorney reviewed
- Supported by Lee County

Discussion ensued regarding the list being the basis of sending a letter and the timing, Dr. Loflin stated sharing with entities in the basin to find consensus, staff recommendation was to mail to other governmental entities, and transform into letter for the next Council meeting.

Status of Proposed Boat Mooring Regulations

Ms. Zimomra stated that through administrative regulations a proposed change to Boat Mooring regulations would disallow cities to control boat mooring. She further stated the Planning Department was evaluating the proposal and would bring back comments at the next Council meeting, as well as recommendations to amend the code, if necessary.

Public Comment

Barbara Cooley spoke to Council direction to residents on how residents could influence the decision. She further thanked Council for being involved in the Florida League of Cities.

Ms. Zimomra stated that the overall plan was to include residents after the City's position was determined.

Recreation Center Issues

Staff report regarding the one-year Recreation Center celebration plan

Ms. Zimomra stated the one-year anniversary would be in December with a month-long celebration.

Staff recommendation regarding expansion of lap pool swim and program

Chris Deal, Recreation Director spoke to the levels of participation at the lap pool. He further spoke to members request to expand the lap pool program.

Ms. Zimomra stated the lap pool usage was the largest use after the weight room. She explained it would cost an additional \$1,000 per month extending the program through June and could be absorbed within the existing budget.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to accept the staff recommendation.

Public Comment
None

The motion carried. Councilmember Johnston was absent.

Proposed Recreation Center Fall Mailing – no new or additional funds required

Ms. Zimomra spoke to the informational mailing advising residents of changes at the Recreation Center, and reminds it is time to renew membership. She also explained that the printing would be \$600.

Vice Mayor Ruane made a motion, seconded by Councilman Jennings, to approve the mailing.

Public Comment
None

The motion carried.

COMMITTEES BOARDS COMMISSION

Discussion regarding the procedure of appointment to the Historical Preservation Committee

Ms. Zimomra stated the Committee Chairman requested to interview persons interested in applying for the Historical Preservation Committee.

Mayor Denham made motion, seconded by Vice Mayor Ruane, to allow Chairman Sam Bailey to interview potential members of the Historical Preservation Committee.

Public Comment
None

The motion carried. Councilmember Johnston was absent.

RESOLUTION 08-150 SUNSETTING THE MARINE ADVISORY COMMITTEE AS OF OCTOBER 31, 2008; AND PROVIDING AN EFFECTIVE

Ms. Zimomra read the title of Resolution 08-150. She explained this would sunset the committee for October 31, 2008 and thanked members for their service.

Vice Mayor Ruane made a motion, seconded by Councilman Pappas, to adopt Resolution 08-150.

Public Comment
None

The motion carried. Councilmember Johnston was absent.

RESOLUTION 08-151 SUNSETTING THE WILDLIFE ADVISORY COMMITTEE AS OF OCTOBER 31, 2008; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 08-151.

Councilman Pappas made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 08-151.

Public Comment

Dick Walsh spoke to his sadness at sunsetting the above-mentioned committees. He further stated that the overall condition and changes to the island there may be less people willing to volunteer.

The motion carried. Councilmember Johnston was absent.

Discussion ensued regarding continuing the work of the committee, amount of staff time it took for the committees, focus changed, less committee member attendance and 3 biologists on staff, objectives for committees were met, fishing pier monitoring would be transferred to the Police Department and Marine Advisory Committee rolled in to the emergency response team.

Ms. Zimomra stated that there was a change in focus. She also explained that there was a review of committees and their focus, but the emphasis was different.

Discussion regarding timeline for appointment of Contractor Review Board members

Ms. Zimomra explained the establishment and working of the Contractor Review Board. She further stated that the current members were willing to serve. She reminded Council that each seat was a specific category. She asked if Council wanted staff to advertise for the 3 seats expiring in December and set-up interviews for Council.

Public Comment

Jeff Molnar spoke to the work of the Contractor Review Board. He stated the Board continued to receive applicants and had lately significant activity of complaints, which the Board reviews.

Discussion ensued regarding accepting requests for members to be re-appointed, Mr. Cuyler stated the seats were not easy positions to fill and members were all working contractors.

Vice Mayor Ruane made a motion, seconded by Councilman Jennings, to direct staff to bring forward a Resolution for appointment of sitting Board members at the November 18th meeting.

The motion carried. Councilmember Johnston was absent.

CITY MANAGER

Informational Items

Confirmation of process for vacant Councilmember seat

Ms. Zimomra spoke to staff receiving 2 letters of interest. She reviewed the following for the November 18th Council meeting.

- Hold interviews in open meeting
- 2 applicants
- First item on the agenda
- Use a paper ballot
- New member would take the Oath of Office

Discussion ensued regarding a tie vote could operate without a 5th member, Mr. Cuyler stated the Charter indicated Council did not have to appoint a 5th member, that if there was no majority vote Council could operate as a 4-member Council.

Lee County Legislative Delegation timeline for bill submission

Ms. Zimomra stated the notice had been received by staff regarding the above-mentioned time line. She also spoke to the process, last year's successful piece of legislation of the Healthy Beach Program, discussion to date was to re-introduce the Healthy Beach Program, only bring 1 or 2 pieces of legislation,

Discussion ensued regarding the Florida League of Cities has the Healthy Beach Program as a priority, deadline January 5th, status of fertilizer bill, Senator Aronberg would not back, but may be another legislator to take the item forward, Sanibel should stay involved,

Request for direction regarding cost of recyclable vs non-recyclable products & price differential to establish for the purchasing policy

Ms. Zimomra spoke to competitive quotes and bids, but recycled paper cost 15% more than regular paper. She asked for Council direction in light of the economics.

Discussion ensued regarding using recycled paper, bring back cost at the November 18th meeting, Ms. Zimomra spoke to scrutinizing every purchase, mindset if there was a green alternative continue green, staff following the green mindset, and impact of capital costs.

Certificate of Achievement for Sylvia Edwards obtaining the designation as Certified Public Finance Officer

Ms. Zimomra acknowledged the designation.

Status of letters from Sanibel golf course for implementation of staff fertilizer recommendations

Ms. Zimomra passed the submitted letters to City Council. She also noted that the golf courses were willing to comply with staff recommendations.

September 30, 2008 Causeway vehicle counts

Ms. Zimomra called Council's attention to the vehicle counts. She further spoke to the vehicles number being substantially lower. She also spoke to the impact of the bridge payback plan due to the lower vehicle numbers.

Public Comment

Karen Storjohann spoke to the number being put together and Sanibel numbers being down only 6% rather than 18%.

Judi Minchie spoke to the need for a separate resident and visitor vehicular count.

Request by Sanibel Beautification to extend the Lee County Landscaping grant to December 31, 2009

Ms. Zimomra spoke to the history of the grant. She stated significant funds were left to take the remaining funds and apply to plantings going east on Periwinkle Way. She spoke to the positive responsiveness of Lee County. She explained that the maintenance of plantings was in question.

Island Water Association requesting rate adjustment

Ms. Zimomra advised Council the IWA had made a request to increase water rates by 18%. She explained the letter of request was in the agenda packet for a presentation on the November 18th agenda.

Discussion ensued regarding the request, November 18th presentation, could the increase be spread out over a number of years, want a list of emergency implementations, what cost reduction actions had been taken, could rate be structured to reward water conservation, request to have a rate increase adopted prior to March 01, 2009, 1992 there was a 20% increase, could the increase have been implemented over time, and the need for an in-depth explanation.

Mr. Cuyler stated Council would adopt any increase by resolution, there would be a discussion with each Councilmember, and Mr. Cuyler stated he would provide a memo outlining the process.

Public Comment

Barbara Cooley spoke to the need to know the highest water users and in agreement of a graduated scale.

Claudia Burns spoke to a high user being C.R.O.W. and there may need to be consideration made for the nature of the operation.

Ms. Zimomra stated that IWA had a franchise agreement with the City as a utility. She further stated that previous Council had asked for the names of the highest users and IWA attorney's reviewed the request and there were differences between a franchise agreement rather than a public entity.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Follow-up discussion regarding Council liaisons

Mayor Denham stated his information was for information only. He further stated that liaisons would be discussed at the November 18th meeting.

Discussion regarding Council appointments with Dutko Poole McKinley (Van Poole, Governmental Affairs) on Monday, November 24, 2008

Councilman Pappas spoke to the need to pay attention to fiscal responsibility and no need to invite the Governmental Affairs consultant, which was scheduled for Thanksgiving week. He recommended a presentation may want to be made by the consultant at a Council meeting. He further stated that bad times were always a consequence of excesses, working attention and good times. He further stated that critical attention given to fiscal discipline and process in bad times must be given in good times. He also stated that government must not grow, and no need to complete projects. He also spoke to a report requested on the City's obligations that could not be ignored and that must be funded not yet complete and when the report was complete Council may want to talk about during Council's election t see where candidates stand on the City's obligation. He further spoke to the appointments with the Governmental Affairs consultants and consultants should only come during a Council meeting due to the costs of separate travel.

Discussion ensued regarding thinking consultants may be a waste of time, possible for consultants attend a Council meeting, Mr. Cuyler stated that with attorney and consultants there may be things they do not want to say in open meeting, could meeting be held in shade session, Mr. Cuyler answered shade session were for actual and/or pending litigation, and Ms. Zimomra stated staff would work with each individual Councilmember to schedule appointments.

Councilmember Comments

Councilmember Jennings spoke to Larry Thompson selling the Shorehaven home and asked the status of the demolition permit, could the permit be transferred and should send a letter to Cultural Heritage Center.

Discussion ensued regarding the demolition permit being transferred, Mr. Cuyler stated that someone could apply for a demolition permit, but to his knowledge no one had applied for a permit.

PUBLIC COMMENT

Claudia Burns asked if there was a place on Sanibel to recycle campaign signs.

Ms. Zimomra stated the cardboard signs could be recycled and larger signs could be taken to the Lee County disposal site.

Councilman Pappas stated that cell number given to companies doing business dealings would be used for other calls.

There being no further business the meeting was adjourned at 11:26 a. m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk