9. **CONSENT AGENDA**

a. Approval of minutes – July 21, 2009

SANIBEL CITY COUNCIL REGULAR MEETING
JULY 21, 2009

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

Mayor Denham gave the Invocation and led the Pledge of Allegiance. He asked Council and the audience to keep Councilman Jennings and spouse in their thoughts. He read a letter from Councilman Jennings in to the record.

Request from Councilman Jennings to be excused

Mayor Denham read a letter from Councilman Jennings into the record.

Councilman Pappas made a motion, seconded by Vice Mayor Ruane, to excuse Councilman Jennings from the meeting.

The motion carried.

Mayor Denham asked Council if they would allow a resolution regarding tolls added to the agenda under 12b.

RESOLUTION 09-087 OF THE CITY COUNCIL OF THE CITY OF SANIBEL TOLL STRUCTURE REVISIONS WHICH RESULTS IN A HGHER TOLL PAYMENT FOR A SIGNIFICANT PORTION OF THE CITIZENS AND BUSINESSES OF SANIBEL; REQUESTING THAT THE LEE COUNTY COMMISSIONERS ABIDE BY THE EXISTING AGREEMENT BETWEEN THE CITY OF SANIBEL AND LEE COUNTY REGRDING THE SANIBEL DISCOUNT TOLL PROGRAM; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 09-087.

Vice Mayor Ruane made a motion, seconded by Councilman Harrity, to add Resolution 09-087 to the agenda.

The motion carried.

Presentations

Storm Ready Designation by National Weather Service (Dan Noah, Warning Coordination Meteorologist)

Mayor Denham spoke to the Storm Ready Program and Sanibel's new designation.

Dan Noah, meteorologist from Ruskin presented the designation to Major Michael Murray.

Recognition of the Employee of the 3rd Quarter

Councilman Harrity spoke to Elaine Fannon being chosen as the Employee of the Quarter.

Ms. Fannon thanked Council and her peers for the nomination.

Recognition of 2nd Quarter Donors to the Recreation Center

Vice Mayor Ruane presented certificates to 2nd Quarter donors to the Recreation Center as follows:

Bailey's General Store	Casa Ybel Resort	Michael Damico

Island Pizza | Island Senior's Center, Inc | Lazy Flamingo
Andrea Miller | Alex Petrikas | Sanibel Community Church
Sanibel School Parent Teacher Association .

United Way Circle of Excellence Award to the City of Sanibel and Captiva by Cliff Smith, President of United Way Lee, Hendry & Glades Counties

Mayor Denham called Cliff Smith, President of Lee, Hendry and Glades Counties and Julie Barkley, Campaign and Public Service Manager. He also called Tom and Linda Uhler, Dick and Debbie Riley and Tony Lapi to the front, as well as noting Ann Moran and Bob Wiggley participated, but were out of town.

Tony Lapi spoke to the committee's efforts.

Mr. Smith spoke to the island's generosity and presented the award to the City.

Public Comments

Claudia Burns spoke to an article in the Island Reporter regarding the proposed construction of a fishing pier and should the item be brought up to Mr. Wingard after his presentation.

Mayor Denham stated that there was no time today, but Council would discuss at a later date.

Council Comments

Councilman Harrity spoke to the passing of Phyllis Bogen a former Island resident and member of the Planning Commission.

Planning Commission Report

Commissioner Holly Smith gave the following Planning Commission report of July 14, 2009.

- Discussion regarding a certificate of appropriateness for 520 Tarpon Bay Road (Lilly and Company).
- Listed on the City's registry for Historic sites
- Former School for Black Children.
- Request to enclose the existing unenclosed portion of the building
- Original Planning Department plans for the remodel the area was considered part of the coverage
- Approved

First Reading of an ordinance and scheduling of public hearing

ORDINANCE 09-010 AMENDING CITY OF SANIBEL ORDINANCE NO. 07-014, AS AMENDED, WHICH ESTABLISHED MEMBERSHIP FEES FOR THE CITY OF SANIBEL RECREATION CENTER, IN ORDER TO PROVIDE FOR AN INCREASE IN THE FEE FOR THE CATEGORIES OF "VISITOR-INDIVIDUAL" AND "VISITOR-FAMILY"; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 09-010.

Council scheduled the second reading and public hearing for August 18, 2009 at 9:15 a. m.

Junonia Street Paving Public Hearing

RESOLUTION 09-070 OF THE SANIBEL CITY COUNCIL TO DETERMINE THE PROPRIETY AND ADVISABILITY OF ESTABLISHING AND IMPLEMENTING THE JUNONIA 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 09-071 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 JUNONIA STREET BETWEEN NERITA STREET AND DONAX 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 Resolutions 09-070 and 09-071.

Mr. Cuyler spoke to the following:

- 2 step process
- Resolution 09-070 Council decides to go forward with the assessment district
- Resolution 09-071 gives residents the opportunity to voice their concerns as Council sits as the Equalization Board

Gates Castle, Public Works Director spoke to the following:

- Junonia Street paving between Donax and Nerita Street petitioned in accordance with process to have the street paved
- Residents to pay two-thirds of the cost of paving Junonia Street and City pay one-third
- May 20, 2009 Council considered the petition and approved the project
- Project completed
- Will not be on the tax bill
- Residents billed directly

Mr. Cuyler stated that following:

- Residents had the option to finance for a three-year period
- Include as part of the motion that the interest rate was 3.5%
- Residents could pre-pay without interest, and the expiration date of November 01, 2009
- Each property owner mailed notice as the public hearing

Mayor Denham asked if anyone had comments regarding Resolution 09-070.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 09-070, set the interest rate as 3.5% and the deadline to pre-pay without interest until November 01, 2009.

The motion carried. Councilman Jennings excused.

Mayor Denham asked if anyone had questions regarding Resolution 09-071.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 09-071.

The motion carried. Councilman Jennings excused.

Sanibel Bayous Sewer Assessment Public Hearing

RESOLUTION 09-072 OF THE SANIBEL CITY COUNCIL TO DETERMINE THE PROPRIETY AND ADVISABILITY OF ESTABLISHING AND IMPLEMENTING THE SANIBEL SEWER SYSTEM PHASE 5 EXPANSION PROJECT ASSESSMENT DISTRICT, INCLUDING SANIBEL BAYOUS I AND II, HERON'S LANDING I AND II, AND BLIND PASS CONDOMINIUMS, AND THE FUNDING THEREOF PURSUANT TO CHAPTER 170, FLORIDA STATUES, AND TO APPROVE THE UNIFORM METHOD (i.e., TAX BILL) OF COLLECTION OF SUCH ASSESSMENTS PURSUANT TO CHAPTER 197.3632, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

RESOLUTION 09-073 OF THE CITY COUNCIL OF THE CITY OF SANIBEL SITTING AS THE SANIBEL EQUALIZATION BOARD; EQUALIZING AND APPROVING A SPECIAL ASSESSMENT FOR THE SANIBEL SEWER SYSTEM PHASE 5 EXPANSION PROJECT ASSESSMENT DISTRICT, INCLUDING SANIBEL BAYOUS I AND II, HERON'S LANDING I AND II, AND BLIND PASS CONDOMINIUMS; 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 Resolutions 09-072 and 09-073.

Mayor Denham spoke to Council briefed regarding the issues.

Mr. Cuyler spoke to the following:

- Requested the motion include a 3.5% interest rate for those who wish to finance over 20 years
- Property owners could pre-pay in full until September 09, 2009
- Council received individual copies of all letters and emails from property owners

Mr. Gates Castle, Public Works Director spoke to the following:

- Sanibel Plan included a goal to eliminate package treatment plants and septic tanks from the island
- Mid-90's a Sewer Capacity Sale was offered to property owners to pre-pay for expansion and upgrading of Donax Treatment Plant
- 1994 Wastewater Master Plan included Sanibel Bayous and Blind Pass in the service district
- If area was on septic tanks then an entirely new system would be put in the neighborhood
- If neighborhood had a package plant, it would be upgraded to current City standards and resident pay the fees
- May 15, 2001 Council decided on an assessment, transmission and connection fee cost
- Transmission main fee in order tog et the waste water to the neighborhood from the plant
- Connection fee – buying capacity in the wastewater treatment plant
- Property owners hire a plumber to connect to sewer main and decommission the septic tank
- Sanibel Bayous had an existing collection system and wastewater treatment plant
- Other neighborhoods, such a Gumbo Limbo had a developer owned wastewater treatment plant and collection system, but had pay all required fees
- 2003 Seat Oates and 2005 Gulf Pines had package plants and owned by residents
- Residents decommissioned the plant and upgrade their system to City standards paid connection and transmission fees

- Sludge was hauled away as well as deconstructing the building and filling in the pool
- Upgrade of any lift stations and infiltration of the inflow
- Constructed a force main included in the assessment fees

Sylvia Edwards, Finance Director spoke to the following:

- Finance works with consultant to perform a feasibility study
- Incorporates all fees and sewer on line at specific times
- Connection and transmission fees estimated that those sources in the feasibility study to help cover debt service
- Looking at doing a 8.5% rate increase
- Sewer system could not provided free service according to the bond covenants
- If property owners do not pay fees money would be taken from the General fund

Mr. Cuyler stated that there was an attachment in the packet that provides the history of those items. He further stated that at the bottom of said page where Blind Pass was noted the updated number should be 727

Public Comment
John Bennett spoke for residents of Sanibel Bayous, Heron's Landing and Blind Pass Homeowners Associations as follows:

- Received a substantial amount of petitions, letters and emails against fees
- Special assessment maybe on certain properties of such property receiving benefit over and above community profit
- City Attorney writing of February, 2009 stated that City could pay fees from the General Fund
- Resolution 08-003 a finding that it is in the public interest to purchase the Sanibel Bayous treatment plant
- Section 2 of Resolution 08-003 states purchase of the package plant was of benefit to all
- $183,000 dismantling the package plant
- Cost to remove plant and fill in pond in excess of $183,000
- Assessed on Sanibel Bayous, Heron's Landing and Blind Pass
- General Fund should pay for the above and deleted from the assessments
- Reviewed City bonds and City received substantial property
- Sell of package plant has increased the monthly fee
- In agreement to purchase there was no material violation
- Substantial assets acquired by the City Of Sanibel
- City brought system up-to-date
- Fees charged to residents would bring in $1 million dollars
- Should give a credit to property owners that had already paid for use of old system
- A credit should be given for the already paid connection fee
- Was the amortization schedule in place

Ms. Edwards answered yes bond counsel was in place.

Mitch Moore spoke to paying $2,600 fee for the previous sewer plant and when contacting the City was told funds would be credited when the City took over the Sanibel Bayous system.

Mr. Cuyler the following:

- Real property owned by Utility Company
- Sludge pond property was divided in half
- Residents had no monetary interest
- Legal requirement was that the connection charge be paid
- Utility System was a separate enterprise fund

- Council could waive certain fees
- Entire assessment program was for in large part for Environmentally Sensitive Land
- Voters approved the expansion
- Package Plant removed
- Pond would need to be remediate
- Connection charge for plant capacity
- Separate charge for transmission fee

Ms. Sylvia Edwards spoke to the following:

- Sanibel Master Plan developed around 1997
- Referendum passed
- Estimated cost of sewer expansion project was $49 million
- Voted debt of $20 million was to be paid by ad valorem
- Each year a voted debt services levied for sewer project
- As different stages progressed and due to delays the cost escalated to over $60 million
- Balance would be covered by assessment fees, connection and transmission
- Bond purchase for original plant purchase refunded in 2003
- Bond for plant and balance between $5 and $8 million
- Tapped into the State Revolving Loan Program (SRS)
- Grant funded bonds; debt reimbursement
- Project completed loan closed out and after 6 months debt service begins
- Debt increased each year as each phase was completed
- 2008 closing out last 2 Revolving Loan Funds
- Each phase looked at coming on line to help cover through debt service for fees
- Included in the feasibility study

Mr. Cuyler stated that there was not an environmental problem, but the removal of package plants was in the Comprehensive Plan and the master plan for providing sewer to residence.

Mr. Bennett asked when the Donax Plant was built and completed in 2004 was paid for by bonds. He stated the amount of the cost and debt service fixed. He did not understand how the debt service changes every year since there was a final cost of the plant.

Ms. Edwards answered the sewer project was completed in phases and money borrowed in phases. She also stated that money was not borrowed up front and as each phase began some phases were broken down in more than one phase within a phase which carried a SRS loan.

Mr. Cuyler further explained that even though the Donax Plant was built at a certain capacity and debt service was set everyone who benefits from the service was obligated to pay for their capacity even though those that were at the end of the project had to pay because the Donax Plant was built including the capacity for everyone. He also explained that half of the debt was set at the beginning of construction and the rest was set up as the property owners were hooked-up for service. He further stated that this was done to support the debt service as the project continued.

Mr. Edwards stated that if there was a substantially sum of money in the beginning that could certainly lower debt service for everyone. He further spoke to each phase not representing a capital expansion of the facility.

Mr. Cuyler stated that the project uses the capital capacity built at the beginning with the transmission lines. He further stated that it was the same argument of assuming the debt at the beginning and property owners at the end of the project say there was already a plant built, the project had already been financed with debt service and they should not have to contribute because there was no further plant expansion to provide

service, but the answer was that the plant had already been built to incorporate the capacity that new customers would be generating.

Mr. Bennett stated that property owners were not saying that they did not have to pay, but that they had already paid for something that the City paid $1 and property owners had already paid. He also stated that if there was further expansion of the Donax Plant for Sanibel Bayous, Heron's Landing and Blind Pass he would agree to the City's reasoning, but since the plant was already designed and built to deal with the additional 300 plus unit capacity and debt service was already being paid and there should be a more equitable solution to my clients.

Mr. Cuyler stated that it was sometimes the case where a municipality would have an assessment district and purchase a package treatment plant and use the package treatment plant as part of a central sewer system capacity. He explained that in that case if a connection charge had been paid there would be no additional connection charge would be required because that capacity had already been constructed. He further explained that in the plant was removed, the ponds remediate and the capacity was actually new capacity for the Donax Plant. He stated that from a legal perspective the reason the connection charge was applicable was that there were arrangements with the developer for 20 to 25 years and residents had paid the developer and received a capital benefit, which was now gone and a new arrangement with the City. He explained that the City constructed a plant including the 300 plus capacity was the justification for the requirement to pay the City.

Discussion ensued regarding the reason for the City to take over the Sanibel Bayous plant was not only beach closures, but that the Sanibel Bayous Package Plant was hazardous, and Mr. Bennett stated that there was no evidence anywhere in the record a finding by DEP.

Mayor Denham spoke to DEP conversation

Mr. Bennett stated that the written record was the only thing that could be dealt with and the DEP communication was given to residents they would understand.

Mr. Cuyler stated that may be a valid comment, but the DEP conversation was not the basis, and may be a part of the reason why and when it happened, but the City of Sanibel Master Plan indicates that the Sanibel Bayous Package Plant should have been disassembled of years ago.

Mr. Bennett stated that the resolution adopted by Council speaks to purchasing the facility for environmental concerns for all people of the City of Sanibel and no where did it say the purchase was part of the City's Master Plan.

Mr. Cuyler stated that it was clear in the City's records as with other package plants the Sanibel Bayous Plant was scheduled to come down plan. He further stated that he did not disagree from a particular standpoint, but was advising Council on what could be legally done, but Council did have discretion and had been advised of that discretion.

Vice Mayor Ruane asked Mr. Cuyler to indicate the issues and circumstances regarding the decision Council made in purchasing the package plant including violations.

Mr. Cuyler explained the following:

- From an environmental perspective this was the type of facility that municipalities want to get out of the private treatment plant business
- Developers build own package treatment plant when subdividing property
- Developers usually loss money due to reduced rates
- Rates paid by residents and easily argued to be deficient by the reduced cost of monthly charges
- Developer hesitates to increase rates
- PSC regulated entity and rates controlled by PSC

- Do not know if developer went to PSC for a rate increase
- Environmental consideration were part of reviewing the plant and Council's action to purchase
- Concerns and allegations that due to the Sludge Pond's proximity to the water level in the area that contaminates were getting into the gulf and contaminating beaches
- Talked to developer and was requesting $2 million dollars for the plant in the past, but due to the pressure from DEP and press regarding potential problems in the area the developer started talking to the City to get out of the package treatment plant
- Discussion s culminated in a purchase of the plant and collection system for $1
- Plant removal and pond was remediated
- City purchased one-half of property
- Developer retained one half and one day would use for development
- Gave up rights to maintain corner commercial parcel

Mr. Bennett stated the agreement to purchases reads as follows; "Neither SBUC or Wulfert have been sighted or notified and no one is aware of any material violation of any government rule or regulation permitting commission or other government requirement or any type of nature applicable to ownership maintenance, construction or operation of the wastewater system. Is the system aware of any reason as the passage of time or given notices by the corporate government or agency that would constitute such a violation."

Discussion ensued regarding a report from DEP of findings, Ms. Zimomra stated that Council authorized the RJN report of the collection system citing issues and problems.

Mr. Castle stated that there was no study of the plant, but there was in the file, a DEP site inspection of the effluent disposal system, which cited some deficiencies of pond and the proximity to waterways and stormwater features.

Councilman Pappas spoke to:

- Indicated the arguments made were substantive in nature and could not be dismissed
- Looking to continue to provide for continuity was to approve the resolutions
- City purchased for $1 because the City had the power the enrich residents
- Owner of plant may have received $2.5 million in certain other benefits not chargeable to City
- Isolate the five properties and worth $400,000
- Council had a function and some focus on government and other on citizens

Mr. Cuyler stated there was a discussion regarding enrichment of the developer and was clarified that the developer was entitled to certain density. He further spoke that the developer was claiming 8-units on only the plant property, but Council clarified that the developer was entitled to 6-units on both the commercial property and what was retained a part of the plant property

Councilman Pappas spoke to the history of the construction of the sewer system for the entire island and the pattern that had been followed. He also spoke to his previous inquiry why staff wanted to purchase said property and was told it was the first time that the developer want to sale at a price staff considered it to be reasonable and not the first time purchase discussion had taken place.

Mr. Bennett spoke to the purchase being fair.

Councilman Harrity spoke to the idea of fairness

Mr. Cuyler stated there were a lot of equity issues being discussed and had advised Council of what could be done.

Councilman Harrity made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 09-072.

The motion carried. Councilman Jennings excused.

RESOLUTION 09-073 OF THE CITY COUNCIL OF THE CITY OF SANIBEL SITTING AS THE SANIBEL EQUALIZATION BOARD; EQUALIZING AND APPROVING A SPECIAL ASSESSMENT FOR THE SANIBEL SEWER SYSTEM PHASE 5 EXPANSION PROJECT ASSESSMENT DISTRICT, INCLUDING SANIBEL BAYOUS I AND II, HERON'S LANDING I AND II, AND BLIND PASS CONDOMINIUMS; 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 09-073

Councilman Harrity made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 09-073 and noted that the interest would be 3.5% and pre-payment without interest would end September 01, 2009.

The motion carried. Councilman Jennings was excused.

Council recessed at 10:42 a. m.

Council reconvened at 10:49 a. m.

Second Reading and Public Hearing
ORDINANCE 09-009 AMENDING CHAPTER 18 - BUSINESSES, ARTICLE I. IN GENERAL, SECTION 18-51 - OCCUPATIONAL REGISTRATION, TO SPECIFY A REGULATORY FEE IN THE AMOUNT OF $50.00; AMENDING CHAPTER 62 - TAXATION, ARTICLE II. LOCAL BUSINESS TAXES, SECTION 62-45 – TAX SCHEDULE TO PROVIDE A BI-ANNUAL FIVE (5%) PERCENT INCREASE FOR ALL CATEGORIES OF THE LOCAL BUSINESS TAX; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE
Ms. Zimomra read the title of Ordinance 09-009.

Discussion ensued regarding the need not to approve and could only increase every two years.

Mayor Denham made a motion, seconded by Councilman Pappas, to deny Ordinance 09-009.

The motion carried. Councilman Jennings was excused.

PRESENTATION

Presentation by Paul Wingard, Deputy Director, Lee County Department of Transportation regarding Lee County Proposed Toll Structure Revisions

Mayor Denham noted that there was no reason to go through the PowerPoint presentation since it was made to residents, Tuesday, July 14, 2009.

Vice Mayor Ruane spoke to the following:

- Item came up in a Lee County workshop in June for a toll increase

- Pulled bonds to see if they could be refinanced and the type of coverage noted
- Correspondence to Commissioners dated June 15 that there was no bond coverage issues
- Reminded Lee County of the bridge dispute that was litigated, bridges built and a settlement agreement
- City received 21% of toll revenues
- Bond says the 21% was given up to purchase the toll discount program
- Correspondence and junior lien
- 21% given up until 2016
- Bond coverage was no longer applicable
- County Attorney spoke to working with Sanibel and the changes do not undermine the settlement
- Lee County needs to live up to the settlement agreement

Discussion ensued regarding tolls a viable revenue source and City agreed to forego and have a discount program, Cape Coral gets 40% of tolls after expenses in the form of road services, opposed to any changes in the program, Lee County changing toll structure, revenue enhancing act passing itself off as something equitable to get a level of approval, it is counter productive to economic stimulus, need audience to say if the toll change matters, 300 residents attended the toll meeting July 14, residents made clear that the toll change would harm services and businesses on the island, several phone calls with the Chamber for involvement, economic impact study showed there would be a lose of 200 to 300 jobs, received endless phone calls, does Council wants to do something, federal stimulus funds available, someone that raises revenues and do severe injury may want to think about not providing stimulus funds, Commissioners would go by what staff recommendations present, cap of $400 put on the first vehicle, tolls change a way of raising money, history dealing with Lee County, need to raise issue with a higher power, and resolution opposing the Lee County proposal.

RESOLUTION 09-087 OF THE CITY COUNCIL OF THE CITY OF SANIBEL TOLL STRUCTURE REVISIONS WHICH RESULTS IN A HGHER TOLL PAYMENT FOR A SIGNIFICANT PORTION OF THE CITIZENS AND BUSINESSES OF SANIBEL; REQUESTING THAT THE LEE COUNTY COMMISSIONERS ABIDE BY THE EXISTING AGREEMENT BETWEEN THE CITY OF SANIBEL AND LEE COUNTY REGRDING THE SANIBEL DISCOUNT TOLL PROGRAM; AND PROVIDING AN EFFECTIVE DATE

Mr. Cuyler stated the title has already been read.

Discussion ensued regarding Council worked hard to improve the relationship between the City and Lee County, the toll change would d considerable harm to the hard work for a better relationship, and bond documents spoke to 21% of toll revenue given up for variable pricing tolls..

Public Comment

Dr. John Harries, COTI spoke to the adverse financial impact to residents, elimination of annual fees, and the cost for a causal visitor would decreased by half.

Karen Storijohann spoke to the legal issue raised and a legal requirement to meet the agreement.

Yolande Welch spoke to Lee County looking for ways to shaft Sanibel.

David Williams asked historically what had the County made over and above debt service? Is it the assumption that funds would go to debt service?

Mr. Wingard answered that the information had been provided to the City, but the total revenue was $12.4 million and operating costs was $1.7 million, the bond debt senior lien $4.6 million and the balance went to the junior lien debt payment. The proposal does not increase revenue and the funds would continue to go toward the above-mentioned.

Discussion ensued regarding when would the debt be paid off, Mr. Wingard stated the debt would be paid off in 30 years, junior bonds and over runs put on the junior lien paid off in 2016, Mr. Cuyler stated the junior lien paid by City's 21% and County pays 59%.

Ken Casten spoke to if the toll program changed it would cost him $5,000.

David Sheppard, Manager of Sundial spoke receiving 180 page consultant report and clearly the proposal was a revenue generating proposal. He further stated the common theme was called the toll industry rather than a sole provider. He also mentioned the consultants report speaks to New Jersey and New York tolls.

Claudia Burns spoke to hearing often that the Sanibel tolls was a cash-cow.

Gloria Hannan spoke to empty stores on Sanibel. She further stated that with the previous discussions can not maintain a relationship with Lee County.

Wayne Ponader spoke to traffic study completed by the former Traffic Committee.

Holly Smith asked if the written comments. She further asked if she could have a copy of the comments. She also asked if the one-third would be affected negatively.

Rudy Coukah asked where does the surplus money go? Would the money go to the Alico Expressway and/or go toward building road infrastructure.

Sharon Minchie spoke to accepting credit cards and pays $1,200 on 4 vehicles and was charged 56 transactions in $30 increments. Was DOT aware of the fees and administrative costs for charging more transaction? Mr. Wingard answered yes more transactions would cost more money. He stated that the entire process would have to be reviewed and the Leeway Service Center spends $200,000 per year to gear-up for the September renewal process. .

Sonia Smith, CASI spoke to receiving an avalanche of emails over the toll structure proposal. She further spoke to printing out the 2008 report and it was recommended by the Horizon Council to increase cash tolls. She further noted that the Horizon Council recommendation was not in the report and there being 12 programs rather than 48 programs to purchase a transponder from Leeway and Sanibel tolls were paying for it. She also stated there was $10 million was raised in tolls at the Cape Coral bridges and would hope the cash toll increase would be considered.

Allan Markus spoke to a legal binding settlement between Lee County and Sanibel and if one party refuses to abide by that settlement a letter should be sent to Lee County and then legal action may need to be taken.

Mr. Wingard spoke to the following:

- County/City Attorney have a difference of opinion
- Relationships generated between Lee County and the City of Sanibel
- Gather information and make process smooth
- Technical memo complete and on the Leeway website
- Report done by CUTER posted on website
- Proposal scheduled for August 11, 2009 Lee County Board of Commissioner meeting
- Management and Planning meeting on August 03 would be a recommendation to schedule for August 11, 2009
- August 04, 2009 regular Commission meeting and ask the public hearing be postponed until August 25 at 5:00 p.m.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 09-087 and direct Mr. Cuyler to revise the resolution to include a provision relating to the Sanibel Toll Discount Program as describes in the County bonds.

The motion carried.

RESOLUTION 09-087 OF THE CITY COUNCIL OF THE CITY OF SANIBEL TOLL STRUCTURE REVISIONS WHICH RESULTS IN A HGHER TOLL PAYMENT FOR A SIGNIFICANT PORTION OF THE CITIZENS AND BUSINESSES OF SANIBEL; REQUESTING THAT THE LEE COUNTY COMMISSIONERS ABIDE BY THE EXISTING AGREEMENT BETWEEN THE CITY OF SANIBEL AND LEE COUNTY REGRDING THE SANIBEL DISCOUNT TOLL PROGRAM; AND PROVIDING AN EFFECTIVE DATE
Ms. Zimomra read the title earlier in the meeting

12:00 P.M. to 1:30 P.M. EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS. In attendance shall be only the following persons:

Sanibel City Council
Sanibel City Attorney Kenneth B. Cuyler
Sylvia Edwards, Finance Director
Sanibel City Manager Judie Zimomra
Jim Isom, Director of Administrative Services
Wayne Helsby, Labor Consultant (Allen, Norton & Blue)

Council came out of Executive Session at 1:00 p. m.

Council reconvened at 1:30 p. m.

CONSENT AGENDA

Ms. Zimomra cited the correct address for item (r) 2001 Algiers Lane.

a. Approval of minutes – April 07, 2009 Regular Meeting, May 05, 2009 Regular Meeting and June 02, 2009 Regular Meeting

b. **RESOLUTION 09-074 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-047 AND PROVIDING AN EFFECTIVE DATE** (To: 1) transfer $4,000 from overtime in the Recreation Center Operations Fund to part-time salaries in the Seniors Department for summer assistance; 2) move $15,235 from the Recreation Center Operations Fund reserve for contingencies to other contractual services ($4,555), repair and maintenance ($1,530) and machinery and equipment ($9,150) for the purchase of WebTrac and PayTrac software, training and installation. This amendment does not increase the FY09 budget)

c. **RESOLUTION 09-075 APPROVING A LEASE RENEWAL AGREEMENT FOR THE WEST LIGHTHOUSE CARETAKER'S COTTAGE WITH RANDAL D. WRIGHT; AND PROVIDING AN EFFECTIVE DATE**

d. **RESOLUTION 09-076 APPROVING A LEASE RENEWAL AGREEMENT FOR THE 2897 ISLAND INN ROAD PROPERTY WITH LANCE A. LUNA; AND PROVIDING AN EFFECTIVE DATE.**

e. **RESOLUTION 09-077 APPROVING A LEASE RENEWAL AGREEMENT FOR THE EAST LIGHTHOUSE CARETAKER'S COTTAGE WITH DENNIS L. ROBERTS; AND PROVIDING AN EFFECTIVE DATE**

l. **RESOLUTION 09-078 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-050 AND PROVIDING AN EFFECTIVE DATE** (to transfer the $1,307.29 balance in the SEMP Communications Van Fund to the general Fund SEMP Department for the purchase of graphics for the mobile emergency response vehicle (MERV) and operating supplies. This amendment does not increase the FY09 budget)

n. **RESOLUTION 09-081 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-048 AND PROVIDING AN EFFECTIVE DATE** (To budget the loss in fair market value of the City's Local Government Investment Pool accounts: SBA General Fund B (-$158,396), SBA Sewer Fund B (-$50,096) and SBA Recreation Capital Project Fund B (-$13,333) This amendment does not increase the FY09 budget)

o. **RESOLUTION 09-082 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-049 AND PROVIDING AN EFFECTIVE DATE** (Based on the mid-year indirect cost study update, adjust expense in the following funds: 1) Building Department Fund decrease expense by $4,983; 2) Ballfield Maintenance Fund decrease expense by $26,469; 3) Sewer Fund increase expense by $20,054; 4) Beach Parking Fund increase by $33,877. This increases revenues in the General Fund by $22,479. This amendment does not increase the FY09 budget)

p. **RESOLUTION 09-083 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-051 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate a $500 donation from the L.A.T. Foundation for the Historical Museum and Village. This amendment increases the FY09 budget by $500)

q. **RESOLUTION 09-085 RELATING TO THE CITY'S RECREATION FINANCIAL ASSISTANCE PROGRAM POLICIES AND PROCEDURES FOR THE RECREATION DEPARTMENT'S SUMMER PROGRAM SESSIONS, HOLIDAY PROGRAM, AFTER-SCHOOL PROGRAM, AND SIMILAR RECREATION PROGRAMS CONDUCTED DURING THE SCHOOL YEAR; PROVIDING THAT THE REVIEW BOARD SHALL BE KNOWN AS THE RECREATION FINANCIAL ASSISTANCE COMMITTEE; PROVIDING FOR THE COMPOSITION OF THE RECREATION FINANCIAL ASSISTANCE COMMITTEE; PROVIDING FOR POLICIES AND PROCEDURES, INCLUDING A "SLIDING SCALE" FEE SCHEDULE AND OTHER APPLICABLE PROCEDURES; AND PROVIDING AN EFFECTIVE DATE**

s. **RESOLUTION 09-086 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-053 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate $17,000 for the removal of a beached and abandoned boat leaking diesel fuel on the beach at the end of Jamaica Drive. This amendment does not increase the FY2009 budget)

Ms. Zimomra read the titles of all resolutions.

Mayor Denham made a motion, seconded by Vice Mayor to adopt all resolutions. As noted above.

The motion carried. Councilman Jennings was excused.

f. Award Bowman's Beach Bridge rehabilitation contract to Stokes Marine, Inc., in the amount of $32,600 (including Change Order No. 1) and authorize the City Manager to execute the Change Order and contract (This project is totally funded by the Tourism Development Council (TDC))

g. Award the Sanibel fishing pier rehabilitation contract to Bridge Masters Construction, LLC, the amount of $35,000 and authorize the City Manager to execute same (This project is totally funded through Tourism Development Council (TDC))

h. Award 2009 Annual Preventative Maintenance Street Resurfacing contract to C. W. Roberts Contracting, inc., in the amount of $414,839 and authorize the City Manager to execute same (This project is included in the FY2009 budget, therefore there is no budget increase)

i. Award Annual Preventative Maintenance Shared Use Path repairs contract to Gulf Paving Company, Inc., in the amount of $161,106.15 and authorize the City Manager to execute same (This project is included in the FY2009 budget, therefore there is no budget increase)

j. Award lift station # 17 generator contract on Bailey Road north of Periwinkle Way to Nease, Inc., in the amount of $59,646 and authorize the City Manager to execute same (This project is included in the FY2009 budget, therefore there is no budget increase)

k. Approve purchase of sodium hypochlorite from Dumont Company, Inc., at a cost of $0.95/gallon for the Donax plant and $1.40/gallon for the Wulfert plant for one year (total estimated to be $80,700. This project is included in the FY2009 budget, therefore there is no budget increase)

m. Approval of a contract between the City of Sanibel and meteorologist Dave Roberts at a 25% discounted rate for 5-years and authorize the City Manager to execute same

r. Approval of an agreement between the City of Sanibel and Community Housing Resources (CHR) for management of the Algiers property and authorize the City Manager to execute same

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to approve all other Consent Agenda items as shown above.

The motion carried. Councilman Jennings was excused.

OLD BUSINESS
Water Quality Issues
Reports from City Council members
Staff Reports

Staff report regarding Lake Okeechobee potential releases

Dr. Loflin gave the following report:

- High interior rainfall in the Kissimmee Valley
- Lake Okeechobee at 13 feet 4 inches
- Concerned by teleconference to do low level releases in all directions
- Lee County and Sanibel staff recommending share adversity manner releases

South Florida Water Management District (SFWMD) River of Grass Planning Process Update

Dr. Loflin gave the following report:

- Next meeting first week in August
- Doing an evaluation and comparing all plans from different aspects of plan
- Process includes all central part of the State and north of Lake Okeechobee
- Recommended 100 feet of water storage
- Money coming from federal government

Letter dated March 02, 2009 from the Florida Department of Environmental Protection in response to the City's comment letter regarding the Proposed Caloosahatchee Total Maximum Daily Load (TMDL)

Dr. Loflin reported:

- Letter in response to TMDL
- Proposal with nutrient criteria without an oxygen level
- Next Stage – B max process with kickoff at Regional Planning Council

Discussion regarding offshore oil drilling in the Gulf of Mexico

Dr. Loflin stated that past Councils adopted resolutions against any proposals for drilling off the shore. He further stated that there was a proposal in SB 1462 called "The American Clean Energy Leadership Act," at the federal level and includes the provision to get within 45 miles off the Sanibel coast in the eastern Gulf of Mexico.

Discussion ensued regarding another resolution, need different wording, drilling not being the problem, but infrastructure that may come ashore, and Council not in favor of another resolution.

Public Comment
None

Discussion and direction to staff regarding the development of Farmers Market regulations

Ms. Zimomra stated there was a pilot Farmers Market Program for 6 weeks on Sundays under the existing Special Events Permitting. She noted that it was a successful event. She further noted Council was provided the research of how other municipalities license farmers markets and a number of staff options. She also stated that this was not envisioned to be a City operation, but a function of a non-profit.

Mr. Jordan, Planning Director spoke to the following:

- Recommended as an alternative to give the City Manager authorization to permit the events so they could exceed the 6 Special Events as designated in the code
- Operator would come back every year for approval
- 17 suggestions to safeguard the community
- Copy sent to market manager

Public Comment
Jean Baer spoke to Sanibel Island Farmer's Market, Inc., being a 501 3 (C). She asked Council to consider allowing music, which would allow the ability to use a loud speaker since #9 states no amplified music on Sundays. She further spoke to #17 which allows only one sign. She requested an additional sign at the four-way stop.

Ms. Zimomra stated that she had talked to Ms. Baer and felt due to the contiguous nature of the neighborhood. She also stated that temporary signs were put up illegally on weekends

Discussion ensued regarding the amount of signs on the roads

Mayor Denham made a motion, seconded by Vice mayor Ruane, to authorize the City Manager to follow the staff recommendation as mentioned above.

The motion was carried. Councilman Jennings excused.

COMMITTEES, BOARDS, COMMISSION

City Council Liaison to Planning Commission

August 11, 2009	Councilmember Harrity
September 8, 2009	Vice Mayor Ruane
September 22, 2009	Mayor Denham
October 13, 2009	Councilmember Harrity
October 27, 2009	Councilmember Jennings
November 10, 2009	Councilmember Pappas
November 24, 2009	Vice Mayor Ruane
December 8, 2009	Mayor Denham
December 22, 2009	Councilmember Pappas

Councilman Pappas requested Councilman Harrity attend the October 13th Planning Commission and he would attend the November 10th meeting. Councilman Harrity agreed.

Report from the Planning Commission Land Development Code Review Sub-committee regarding amendments to Section 86-43

Director Jordan spoke to the following:

- Ordinance prepared
- Staff and Legal reviewing
- Scheduled a Planning Commission hearing on August 11, 2009
- First Reading August 18, 2009

Mayor Denham made a motion, seconded by Councilman Harrity, to move forward with the Ordinance.

The motion carried. Councilman Jennings excused.

Re-appointment of Mike Cuscaden to the Lee County Human Services Council

Councilman Pappas made a motion, seconded by Councilman Harrity, to recommend the re-appointment of Mike Cuscaden to the Lee County Human Services Council.

The motion carried. Councilman Jennings excused.

Appointment of Terry Nagle to the Vegetation Committee

Councilman Pappas made a motion, seconded by Vice Mayor Ruane, to appoint Terry Nagle to the Vegetation Committee.

The motion carried. Councilman Jennings was excused.

NEW BUSINESS

Consideration of a request by the Barrier Island Group for the Arts, Inc. (BIG Arts), 900 Dunlop Road and staff recommendation for the temporary placement and use of two portable 12' x 56' modular buildings to provide for administrative office and program space during the planning and construction of an expansion to BIG Arts, all on City-owned land contiguous to their leased facility immediately west of City Hall; finding that the proposed temporary use is consistent with the Sanibel Plan and constituting a City-exempt development pursuant to Section 78-7 of the Sanibel Code

This item was removed from the agenda by B.I.G. Arts.

BUDGET

Update on Financial Issues

Update and request to commence using Local Government Investment Pool (SBA)

Vice Mayor Ruane spoke to the following:

- SBA known as the Local Government Investment Pool
- Multitude of issues
- Discussion with Director Edwards on SBA
- Changed the way of investing and a major revamping with a couple of audits
- Ash Williams back at top of SBA
- Hired a group "Federated" to oversee investments
- Give monthly information
- Pulled out of the pool for all the right reasons
- Invest in only treasurer obligations and CD's
- Looking to review and use as a potential source to enhance yields
- Investments six months or shorter
- Use of many instruments
- Everything in S&P quality

Discussion ensued regarding investing only a portion of funds and wait to see what happens, use as a potential vehicle for investments, should not put everything in one place, as money matures move to another venue, review cash flow needs, identify cash flow needs, date of C-notes, date of treasury, should put no more than a capped percentage, 50% currently due in1 to 7 days, 6% due in due within 30 days, and 23% due within 90 days, and would like to see another 6 to 9 months of economic history before a cap was instituted.

Ms. Edwards spoke to the following:

- $15 million in Treasury bills just matured and to get a positive return it would need to be invested for 3 or more months
- Due to the hurricane season would like to have more liquidity
- Currently the SBA was paying 47 basis points
- The 91 day T bill was 18 bases points
- 182 day T bill was 27 basis points,
- In order to receive interest SBA funds were receiving would need to put funds in a 1-year T note

- Sun Trust a qualified public depository account and $15 million currently invested
- Sun Trust would give 40 bases points
- Bank of America paying no interest
- Use Bank of America account for banking and payroll and keeping a certain balance allows no banking fees
- In May able to negotiate a earning credit of 70 bases points to offset banking fees
- $15 million is treasury bills, wait for the next 12 months

Discussion ensued regarding putting a cap on SBA investments, and needing another six months of economic history, investing part of the $15 million in short term for liquidity during hurricane season, invest a portion on a longer term investment and place a small amount in the local government pool.

Vice Mayor Ruane made a motion, seconded by Mayor Denham, to consistent with $5 million of the $15 million in T bills which matured be invested in the local government investment pool, keep the required liquidity amount during hurricane season in a shorter term investment and the remaining balance in a longer term investment.

The motion carried. Council Jennings excused.

Discussion regarding DRAFT goals from the April 21, 2009 Council meeting

Ms. Zimomra stated that this was Council's opportunity to review and completed in the final budget. She further stated the goal was to have Council's goal completed at budget time.

Discussion ensued regarding financial goal very good, water goal must be very clear and benefit to the restoration of Sanibel beaches, Flow way south as title and help direct excess lake waters away from Sanibel estuaries, need actions resolutions and letters would be needed to push Council's position, protecting Bays second bullet, support initiative to reduce stormwater run-off into Sanibel bays and estuaries, wording under that should be 2 or 3 initiatives already being worked on, redevelopment goal should include additional caveats of what Council expects under decisional frame work; talk about density and height among, and Mayor Denham would put together thoughts.

Public Comment
Karen Storijohann spoke to understanding what and why Resort Housing is what it is currently and actions taken in the past.

Discussion ensued regarding report from Planning Commission on progression, do not want Planning Commission to go off on an avenue that Council would not agree, business community looking at, town center moved into a direction that was not part of the original strategy, Council should give direction t o the Planning Commission, families and B.I. G. Arts established an idea for the property and asked community, any guidance should come from Council, and maybe Council should look at all components.

Budget Calendar
Ms. Zimomra stated that today Council would establish the preliminary millage rate. She also stated that Saturday, September 05 at 9:00 a. m. would be the first budget hearing and Tuesday, September 15 at 5:01 p. m. would be the final budget hearing.

Distribution of DRAFT FY 2009/2010 Proposed Budget

Ms. Zimomra spoke to the following:

- Council received the draft budget
- Last 2 years staff worked on the budget to stay above the economic curve by re-prioritizing and downsizing
- Draft budget 395 pages
- Draft budget on website
- Have not met the economic down turn and no recovery in sight

- Continue to take interest earnings down
- Continue to reconfigure basic operations
- Need to remain fiscally disciplined
- Try to keep in mind the long-term economic viability tied to property values
- Emphasis on basic services
- As drafted the property tax 2.5% decrease
- 2.2808 millage at the roll-back rate and generate same taxes
- More charts to illustrate trends
- Staff continued to be downsized to 141 in FY2007 and 126 in FY2009
- Downsize through attrition
- Downsizing through adding contractual services for mowing in the Public Works Department
- Salaries remain flat
- Addressed contracts and renegotiated contract with vendors for a decrease in 29 contracts
- Waste Pro decreased contract by 10%
- Negotiated the level of service - Cleaning City Hall 3 times per week
- Recognition of generating in FY08-09 over $400,000 at Recreation Center
- Expand only programs with contractual instructors
- Increase classes from 18 to 44 on a weekly basis
- 2.9% reduction in residential collection
- 3% sewer rates increase
- Maintain reserves at $16.3 million
- Showing as though all reserves for disasters would be spent
- Began Reserve for Disasters in the sewer fund and recommend an additional $50,000
- Continuing to invest in Capital Improvement with $1.6 million
- Slowed down vehicle trade-ins and purchase
- GASBY (governmental accounting) continue to make changes
- Appearance before TDC regarding funding level of indirect costs (labor cost) which was approved
- Chart included showing all budget amendments
- Purpose to set a proposed millage rate and can go no higher once adopted
- Legislature change the level of vote necessary to increase a millage rate

Mayor Denham read the remaining portion of Councilman Jennings letter regarding a proposed millage rate of 2.4 or above. He also stated that Councilman Jennings wrote to recommending that Council take an official position of the previous Causeway settlement agreement.

Mr. Cuyler stated that Councilman Jennings was aware he could not vote and the letter was for information only.

Discussion ensued regarding a budget put together at 2.28 mills, the rolled back rate would be 2.34 mills, which would generate the same tax dollars, Councilman Pappas spoke to not increasing the millage higher than what was recommended by the City Manager, and should adopt what was proposed by City Manager.

Public Works Issues

Award mowing contract to Amera-Tech, Inc., for mowing of the City Rights-of-way and authorize the City Manager to execute same

Ms. Zimomra stated that at Council's direction staff took bids, receiving nine bids and Public Works would administer the contract. She further stated the contract was for 5 years with an escalator and the savings the first year would be $17,500. She also explained there would capital cost savings.

Mayor Denham made a motion, seconded by Councilman Pappas, to approve the contract.

The motion carried. Councilman Jennings excused.

Council follow up questions from the June 02, 2009 staff presentation and recommendation of revised Sewer Feasibility Study, partial Liquidation Plan and 3% increase to Sewer and Reuse rates in accordance with City ordinance
RESOLUTION 09-084 APPROVING BUDGET AMENDMENT /TRANSFER NO. 2009-052 AND PROVIDING AN EFFECTIVE DATE (To budget and appropriate $5,547,737 as the final payment on the State Revolving Loan #835060 from the Florida Department of Environmental Protection. This amendment does not increase the FY09 budget)
Ms. Zimomra stated the resolution would allow repayment of a debt, make it possible to keep sewer rates low, as well as allowing the opportunity to get back in the State Revolving Fund. She further stated Tara Hollis was available for the presentation, which was given at the June 02, 2009 Council meeting.

Vice Mayor Ruane made a motion, seconded by Councilman Harrity, to adopt Resolution 09-084.

The motion carried. Councilman Jennings excused.

Discussion and staff recommendation to implement a 3% sewer rates indexing (rate increase)
Ms. Zimomra stated that this was part of the Sewer Feasibility Study and if approved would come back to Council in the form of a resolution.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to direct staff to bring a resolution back to Council at the August 18, 2009 Council meeting.

The motion carried. Councilman jennings excused.

Discussion and direction to staff regarding draft legislation increasing reuse rates
Ms. Zimomra stated that there was also a 3% indexing for reuse in the feasibility study. She further explained that there was an increase customers and revenues. She further explained that re-use was not a profit making venture and initially established by Island Water. She further explained that there was a chart in the agenda packet showing options and with standard increase of 3% funds generated would be just over $5,000, and there was also included rate increase at 18% and 24%. She explained that either rate would keep the City well below the Island Water rates and remain competitive alternative and looking for direction from Council.

Discussion ensued regarding a money losing proposition, Mr. Castle stated that the City pays $350,000 for infrastructure costs, and Ms. Zimomra stated the re-use water was not a money losing venture, but to off-set costs, Council agreed to accept option #2 which was to increase re-use rates by 18%.

Mayor Denham made a motion, seconded by Councilman Harrity, to accept option 2 and direct staff to bring back a resolution for an 18% increase in reuse rates.

The motion carried. Councilman Jennings.

RESOLUTION 09-079 APPROVING A SOLID WASTE RATE STRUCTURE FOR FISCAL YEAR 2009-2010 WHICH RESULTS IN A 2.9% DECREASE IN RESIDENTIAL RATES; APPROVING A SOLID WASTE FRANCHISE FEE AND A SOLID WASTE DISPOSAL SURCHARGE; AND PROVIDING AN EFFECTIVE DATE
Ms. Zimomra read the title of Resolution 09-079.

Vice Mayor Ruane made a motion, seconded by Mayor Denham, to adopt Resolution 09-079.

The motion carried. Councilman Jennings excused.

Recreation Issues

Approval to negotiate a contract with Meta Goodwin, Carolyn Cooper, Michelle Churchill, Patty Turner, Dr. Susan Pataky and Carmen Diaz for fitness programs and authorize the City Manager to execute same

Ms. Zimomra spoke to Council previously directing staff to go out for bids for additional recreation programming and begin to negotiate with a number of providers, as well as a recommendation to make the classes inclusive in a recreation membership.

Vice Mayor Ruane made a motion, seconded by Councilman Pappas, to approve the negotiations.

Director Deal spoke to receiving quality candidates. He stated that the interview committee, that included 5 recreation staff members. He explained that there were questions including background qualifications, programs offered and certifications. He stated that he believed the variety of programs offered would retain recreation members.

The motion carried Councilman Jennings excused.

Recreation Financial Assistance Fund Brochure (after school, summer day camp & general recreational programming)

Ms. Zimomra stated that in the past City Council made-up the gap for financial assistance. She further stated that the Park and Recreation Committee has taken this item as a major challenge, which information was provided in the agenda packet.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to approve the brochure.

Public Comment
None
The motion carried. Councilman Jennings excused.

Request from the Cultural Heritage Center

Councilman Harrity stated the Cultural Heritage Center had combined their efforts with Lee County.

RESOLUTION 09-080 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 2009 AND TENTATIVE BUDGET FOR THE CITY OF SANIBEL 2009-10 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 09-080.

Councilman Pappas spoke to the message embedded within the budget, which could be read differently by those preparing or those executing in the budget could be read differently by those preparing. He further stated that the budget meets the criteria to provide sufficient services to a community that were helpful to property values and cuts fixed costs that tend to exculpate. He also stated the budget does not do damage to projects, but anyone listening should know that there would never be the kind of budget as those in the past. He further stated that there was a pay and benefit structure that was a benefit to employees.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 09-080 filling in the blank in Section 1 as 2.808, Section C as 2.808 and in Section 2 as $10,315,334.

The motion carried. Councilman Jennings excused.

CITY MANAGER

Informational Items

Discussion regarding additional education of watering restrictions

Ms. Zimomra stated that there was a memo from the Chief of Police to cross train traffic aids.

Building Department Monthly Revenue Report
Building Department Monthly Permit and Inspections Report
Planning Department Permit Activity Report
Planning Department Code Enforcement Activity Report
Causeway counts for April and May, 2009
Informational Brochure "5 Reasons to Leash Your Dog"

Informational purposes.

Public Comment
Karen Storijohann spoke to # 5 needed to be #1 and there was an 8-foot leash law.

Ms. Zimomra stated that in trying to educate people environmental education first worked as a general approach. She stated that if Council wanted to direct staff to change, but staff had established the approach of first education residents and visitors and then communicate the law. She stated that the recommendation was a good recommendation.

Fertilizer Press Release

Ms. Zimomra stated that it fertilizer control season and a copy of the Press Release was in the agenda packet. She further explained it was on the website and staff was doing inspection with Code Enforcement and Natural Resources.

Corrected Audit Report of Community Housing Resources (CHR)

Ms. Zimomra called Council's attention to the corrected audit in the agenda packet.

Ratification of 14-month leave of absence without pay for police officer while in Afghanistan

Ms. Zimomra stated that there was a Police Officer request a leave of absent as a contractor to train law enforcement officers in Afghanistan to work and asked Council to ratify the agreement.

Mayor Denham made a motion, seconded by Councilman Harrity, to approve the agreement.

The motion carried. Councilman Jennings excused.

Report regarding the July 10, 2009 Tourism Development Council (TDC)

Ms. Zimomra stated the report showed TDC was holding it's on in the competitive market, but May shows a significant drop with Sanibel and Captiva being the strong point. She also stated the Tourism Development Council would not meet in August.

Discussion ensued regarding Vice Mayor Ruane reviewing the last 5-years budgets, Island packed over the weekend, opposed to the fishing pier, and in New Jersey pay to park and use the beach.

3rd Quarter Financial Report from the Sanibel Historical Museum and Village, Inc.

Ms. Zimomra called Council's attention to the net profits.

2009 Horizon Council Industry Appreciation Luncheon, September 18th

City's Quarterly Financial Report

Ms. Zimomra spoke to Council's attendance.

Discussion ensued regarding that this was an opportunity to speak with different people, and each Council should nominate some,

Letter dated July 09, 2009 from the United States Department of Interior, Bureau of Land Management regarding the Lighthouse property

Ms. Zimomra stated that for years the Department of Interior had notified the Lighthouse would be transfer to the City. She reminded Council that it would be advertised in the federal registrar and then transfer ownership to the City. She reminded Council that there was a previous discussion that if the Lighthouse was transferred over to the City the Historical Preservation Committee spoke to the development of a master plan. She explained that it was Council's direction that if and when the land was transferred the Planning Department would create a master plan for the entire Lighthouse Beach area and work with the historical Village for a long-term plan. She further explained that the Public Works Director had provided to Council the estimates for refurbishing the Lighthouse and mediate the lead-base paint on the Lighthouse. She also explained that staff had tried to work with the Department of Interior to abate the lead paint as with the cottages without success.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Councilman Pappas asked besides for Council's preference was any criterion for Council to excuse or not excuse a Council absence.

Mr. Cuyler stated that Council had a lot of discretion in it's determination of what a reasonable excuse would be for the purpose of excusing a Councilmember.

Councilman Pappas noted that he would not be able to attend the next 2 meetings. He further stated that he may not continue to serve out his term.

Discussion ensued regarding the wise counsel that Councilman Pappas brings to Council, each member brings different things to meetings,

Attendance to the Florida League of Cites Conference in Orlando Thursday, August 13 through Sunday August 16, 2009

Ms. Zimomra stated that it would not be reimbursed by the FLC.

Discussion ensued regarding Councilman Jennings should go the FLC conference, Councilman Jennings president of the Southwest FLC, .and a FLC Board member.

Vice Mayor Ruane made a motion, seconded by Councilman Harrity, to agree to Councilman Jennings to attend the FLC Conference.

Approved by consensus.

Vice Mayor Ruane spoke to a TDC meeting in Miami in September and he would like to attend. He stated that the Lee County Board was fairly divided regarding the proposed toll change.

Discussion ensued regarding the Lee county Board wanting to continue a good relationship with Sanibel, Sanibel business needs people to live and visit here to spend more money on a daily basis

Mayor Denham spoke to a request from Zonta to have a proclamation read and presented on Wednesday, August 5th by Vice Mayor Ruane.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to approve the proclamation presentation.

The motion carried.

PUBLIC COMMENT

None.

There being no further business the meeting was adjourned at 3:58 p. m.

Respectfully submitted by,

Pamela Smith, MMC
City Clerk