

**SANIBEL CITY COUNCIL REGULAR MEETING
APRIL 20, 2010**

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

Invocation and Pledge of Allegiance (Councilman Harrity)

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

Election of Mayor and Oath of Office

Mr. Cuyler asked for Mayoral nominations.

Mick Denham nominated Kevin Ruane for Mayor

Mayor Denham moved, seconded by Councilman Harrity, to appoint Kevin Ruane for Mayor.

The motion carried.

Election of Vice Mayor and Oath of Office

Mayor Ruane asked for Vice Mayor nominations.

Councilman Harrity nominated Jim Jennings for Vice Mayor.

Councilman Pappas nominated Mick Denham for Vice Mayor

Mayor Ruane asked for a vote for Mr. Jennings. There were 2 votes.

Mayor Ruane asked for a vote for Mr. Denham. There were 3 votes.

Councilman Pappas moved, seconded by Mayor Ruane, to appoint Mick Denham as Vice Mayor

The motion carried

Council recessed to take photographs of Council at 9:13 a.m.

Council reconvened at 9:28 a.m.

PRESENTATION(S)

Recognition of the Employee of the 2nd Quarter

Mayor Ruane recognized Morganna Beth as Employee of the 2nd Quarter.

Chief Tomlinson spoke to the assistance Ms. Beth gave to officers in a recent situation.

**Proclamation proclaiming April as Water Conservation
Month**

Mayor Ruane presented and read the Proclamation to Rusty Isler, Island Water Association (IWA) and to Phil Flood, South Florida Water Management District.

Mr. Phil Flood thanked Council for the proclamation.

Mr. Rusty Isler, IWA General Manager offered resident IWA help in any water matters.

Presentation by Dick McNeill, President Shell Harbor Property Owners Association and East End Canal System Task Force President regarding East end dredging (20 minutes) (Vice Mayor Ruane)

Mr. McNeill gave a brief PowerPoint presentation.

- Modify the 80% rule to 51% for canal dredging
- Continue to pay 33% of the cost for dredging and evaluations
- Secure funding for dredging internal canals
- Waive in-house cost the City incurs in managing dredging

Discussion ensued regarding the City's responsibility to dredge the canal system, resident cost participation should be higher than 51%, how many shareholders on the east end, and Mr. McNeill answered there was approximately 638 shares on the east end including 71 slips at Sanibel Marina, need to understand staff cost, Mr. Gates Castle, Public Works Director stated that staff was able to complete soundings to dredge the entrance, for dredging a canal, such as Shell Harbor and Sanibel Estates, outside consultants were hired for the total process, Ms. Zimomra stated that advertising cost was included, Mr. Cuyler stated that advertising cost could be high and Mr. McNeill did not expect advertising cost to be waiver, but attorney and engineer costs could be \$5,000 to \$6,000 and would look at the project as a City-wide benefit, dredging every 5 years and not enough money to cover, Sanibel Marina would need to come up with 40% and has agreed to pay 40%, dredge all internal canals on the east end minus the entrance and exit, normally charge for staff's time, how did past Councils get to the 80% rule, Mr. Muench stated the 80% rule was arbitrary, Mr. Cuyler stated that with more participation the cost would be decreased, Mr. McNeill stated that there should be no petition process for dredging and the process was used for paving roads, get more data on the in-house costs, dredging the entrance to Sanibel Estates costs approximately \$25,000, another significant factor was the financial cost would not be a burden for dredging, Mr. Cuyler stated that anyone could file suit, City would pay 33% as was always followed relative to canals, Mr. Cuyler stated dredging was primarily for homeowners, but did benefit taxpayers, 40% paid by Sanibel Marina and property owners pay 51%, what cost would be 33%, City would function as middleman to fund the dredging project, estimated property owner cost would be driven for internal east end canals including Sanibel Marina, and there would be only spot dredging after the initial dredging.

Public Comment

Bart Smith spoke in favor of the proposal and the City's liability due to the difficult entrance/exit.

Jim Kilchenman agreed with the liability being a significant point.

Councilman Pappas moved, seconded by Vice Mayor Denham, to accept all four points.

The motion carried.

Council asked for the process.

Mr. Cuyler stated the district would be formed a year from November, and the petition process would go forward. He further stated that Mr. McNeill wanted to helping with the parameters.

Public Comments

Herb Rubin spoke to a public safety hazard late at night when multiple drinks ordered at last call at local bars.

Ms. Zimomra stated a report would be done for a Council meeting in the future.

Karen Storjohann spoke to condominiums needing the ability to modernize and as Council to reconsider direction to the Planning Commission.

Hazel Schuler spoke to the direction of the Planning Commission for resort housing district re-development study.

Claudia Burns spoke to Sanibel experiencing redevelopment without changes to the code.

Discussion ensued regarding RPR making improvements, and CHR allowed to increase density by Code.

Council Comments

Councilman Harrity congratulated Mayor Ruane and Vice Mayor Ruane.

Vice Mayor Denham spoke to Council being a great team.

Councilman Pappas spoke to the selection process of Mayor and Vice Mayor. He further stated it was rotated at one time and anyone elected to Council should be capable of serving as Mayor and Vice Mayor. He also spoke to Vice Mayor Denham's performance as Mayor and the work that Mayor Ruane has done on Council. He further spoke to the work Council had done on re-development and spoke earlier that a majority of resorts on island would opt to re-develop.

Mayor Ruane spoke to the following:

- Financial outlook for Sanibel was cloudy
- Economy beginning to turn around with stimulus money
- Florida would recover 45th out of 50 states due to municipal revenue declining
- Property values continue to decrease
- More than 75% of mortgages were purchased by Fanny May and Fanny Mac
- \$126 Billion in stimulus money to cover losses of Fannie May and Fanny Mac
- Need to review managed risk
- Hurricane forecast higher
- Lake Okeechobee freshwater releases were beginning and a report from Dr. Loflin noted that the freshwater would kill or reduce the grass beds in San Carlos Bay
- Possibility of brown algae on beaches
- If you can't raise revenues expenses must be cut; saying by father

Discussion ensued regarding a record deficit at the State level of \$3.2 billion.

Planning Commission Report

Commissioner Dr. Phillip Marks gave the following report of Tuesday, April 13, 2010:

- The Planning Commission meeting was canceled
- Land Development Code sub-committee met
- Suggested work plan for development of the resort district
- Re-development of short-term housing facilities
- Allow density as of May 04, 2004
- No Council support for more impermeable coverage
- No additional height
- No support to build any structure seaward of the 1974 CCCL
- Outline of Council meeting schedule for Planning Commission reports
- Notice all Association and Board for redevelopment of resort housing district discussions
- Dealing with density and impervious coverage

Mr. Cuyler stated there were people in attendance that wanted to speak and advised them that no public comment could be made due to this being a first reading.

First Reading of an ordinance and scheduling of public hearing

**ORDINANCE 10-004 ORDINANCE GRANTING TO
A FRANCHISE TO OPERATE A
SOLID WASTE COLLECTION AND DELIVERY SERVICE WITHIN THE
TERRITORIAL LIMITS OF THE CITY OF SANIBEL, FLORIDA FOR A TERM
OF 5 YEARS AND CREATING A FRANCHISE AGREEMENT; PROVIDING
FOR EXTENSION OF THE FRANCHISE PERIOD; SETTING FORTH
OPERATOR'S OBLIGATIONS CONCERNING COLLECTION AND
DELIVERY SCHEDULES, INSURANCE, BOND, AND PERFORMANCE;
PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN
EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 10-044.

City Council set the second reading and public hearing for Tuesday, May 04, 2010 at 9:15 a. m.

**ORDINANCE 10-005 AMENDING THE CODE OF ORDINANCES, SUBPART B
LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, ARTICLE XIV
SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5 COMMERCIAL
USES GENERALLY, SECTION 12-1031 BONUS OUTDOOR SEATS FOR
DINING, TO PERMIT BONUS OUTDOOR DINING AT RESTAURANTS
LOCATED OUTSIDE A COMMERCIAL ZONING DISTRICT, PROVIDING
FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND
PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 10-005

Council set the second reading and public hearing for Tuesday, May 04, 2010 at 9:20
a. m.

CONSENT AGENDA

- e. Approval of Memorandum of Understanding between the City of Sanibel, Lee County Sheriff's Department and Lee County Port Authority for a grant (Edward Byrne Memorial Justice Assistance Grant) which includes \$925 for D.A.R.E. supplies for the Sanibel Police Department and authorize the Mayor to execute same and **RESOLUTION 10-032 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-026 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$925 from the United States Department of Justice through the Florida Department of Law Enforcement for the purchase of t-shirts, refill pads, mini flashlights and other operating supplies. This amendment increase the FY10 budget by \$925)

- g. Approve Mabry Brothers, Inc., to furnish and install a replacement 125 Kw stationary generator for City Hall, including the Police Department and 911 and **RESOLUTION 10-044 APPROVING BUDGET AMENDMENT /TRANSFER NO. 2010-027 AND PROVIDING AN EFFECTIVE DATE** (To appropriate: 1) \$87,199 for the purchase and installation of a new emergency generator at City Hall; and 2) \$13,000 for the rental of a portable generator to replace the existing generator, which failed on January 10, 2010. Funds for this appropriation are available in the General Fund Reserve for Disasters. This amendment does not increase the FY10 budget)

- h. **RESOLUTION 10-033 ACCEPTING A PERPETUAL UTILITY EASEMENT AND BILL OF SALE FOR THE SEWER LIFT STATION AND FORCEMAIN LOCATED AT 1253 ANHINGA DRIVE, SANIBEL, FROM STEPHEN L. AND CONNIE M. FERGUSON; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE** (no budget impact)
- i. **RESOLUTION 10-041 ACCEPTING A PERPETUAL UTILITY EASEMENT FROM ISLAND WATER ASSOCIATION, INC.; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE** (3585 Sanibel-Captiva Road and this project has no budget impact)
- n. **RESOLUTION 10-047 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-023 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$7,080 of grant assistance from the Florida Fish and Wildlife Conservation Commission's Invasive Plant Management Section. The Section will provide 120 gallons of Element 4 herbicide, valued at \$59 per gallon, to the City. This is the herbicide product that is used by City contractual crews for treatment of Brazilian pepper as part of the Brazilian pepper eradication program. It is the least toxic, least expensive and most environmentally friendly herbicide that is suitable for this purpose. This grant will enable the program to save an equivalent amount in herbicide expenses during the current fiscal year. This amendment increases the FY10 budget by \$7,080)
- p. To install road and drainage improvements, pursuant to Development Permit No. 00-0181, from Atlanta Plaza to the access driveway serving an existing single family dwelling located at 480 Peachtree Drive due to failed final compliance review for Certificate of Occupancy and **RESOLUTION 10-048 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-028 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$15,875 for road and drainage improvements, pursuant to Development Permit No. 00-0181, from Atlanta Plaza to the access driveway serving an existing family dwelling located at 480 Peachtree Drive, due to failed final compliance review for certificate of occupancy. This amendment does not increase the FY10 budget)
- q. **RESOLUTION 10-040 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-024 AND PROVIDING AN EFFECTIVE DATE** (To conform to Florida Statute by transferring fuel tax refunds and a portion of state shared revenues from the General Fund to the Transportation Fund in order to match transportation-related revenue with transportation-related expense as follows: 1) \$39,698 (28.67%) of state shared revenues and 2) \$5,500 of motor fuel refunds. Transferring these revenue sources to the transportation fund will decrease the subsidy required from the general fund by \$45,198. The net effect government-wide is zero. This amendment does not increase or decrease the FY10 budget)

Ms. Zimomra read the titles of Resolutions 10-032, 10-044, 10-041, 10-047, and 10-040.

Vice Mayor Denham moved, seconded by Councilman Harrity to adopt Resolutions 10-032, 10-044, 10-033, 10-041, 10-047, 10-48 and 10-040.

The motion carried.

- a. Approval of minutes – March 16, 2010

- b. Approval of an agreement between the City of Sanibel and Integrity Investment Advisory Agreement as the City's Investment Manager and authorize the City Manager to execute same
- c. Approve a contract to purchase 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 a total cost of \$78,800 for one year beginning July, 2010 and authorize the City Manager to execute same (funding is provided in the FY10 budget)
- d. Reject bids received for the purchase of a 2,000-gallon water truck and direct staff to re-bid for the truck (this purchase was budgeted in the FY10 budget)
- f. Approval of an Agreement between the City and Sanibel Bayous Development Corporation providing for the satisfaction of certain subdivision requirements including right-of-way vegetation clearing/transplanting through a monetary payment to the City and authorize City Manager to execute same
- j. Approval to purchase three ¾ ton pick-up trucks with 4-wheel drive option from Charlotte County Ford for \$62,236.46 (these purchases were budgeted for FY10)
- k. Approve Paints and Coatings, Inc., as sole source vendor to rehabilitate twelve manholes in Gumbo Limbo and the Sanctuary at a cost of \$48,525.30 (this project was budgeted in the FY 10 budget)
- l. Allow Advantage Transportation to withdraw their bid and approve purchase of shellrock material from Gulf Coast Site, Inc., at a cost of \$12.41 per cubic yard (this was budgeted in the FY10 budget)
- m. Award 2010 Bridge and Box Culvert Repairs Contract to Bridge Masters Construction, LLC in the amount of \$24,200 and authorize the City Manager to execute same (this project was budgeted in the FY10 budget)
- o. Request for approval of Special Event dates for Sanibel Music Festival, Inc., at the Sanibel Congregational Church, 2050 Periwinkle Way, to be held on March 05, 08, 12, 15, 19, 22, and 26, 2011
- r. Approval of a Memorandum of Understanding (MOU) and Mutual Aid Agreement (MOA) for Southwest Florida's Multi-Agency Gang Task Force between the City of Sanibel and numerous municipal, county, associate agencies, State and federal law enforcement entities and authorize the City Manager to execute same

Vice Mayor Denham moved, seconded by Councilman Harrity, to accept Consent Agenda items a,b,c,d,f,j,k,l,m,o and r.

The motion carried.

OLD BUSINESS

Water Quality

Status report regarding Lake Okeechobee freshwater releases

Dr. Loflin spoke to the following:

- Increased height of Lake Okeechobee
- Potential problems going into the rainy season with increased height
- Releases had began and would affect the algae in the bay, as well as killing seagrass
- Weekly meetings with the Corps of Engineers.

Discussion ensued regarding mechanisms in place to mitigate cleaning algae off the beach, reasons for releases was due to the dam system being impaired, the need for a flow way south, a series of legal judgment regarding the U.S. Sugar land acquisition, and significant amount of progress to return the Oxbow River as original allowing cleaner water coming in to the lake.

Additional responses from elected/appointed officials regarding Resolution 10-001 opposing off-shore drilling

Mayor Ruane spoke to the letters received.

Report on the fertilizer pre-emption

Mayor Denham spoke to the following:

- Ordinances adopted to protect water bodies due to nutrients going into water
- Onerous language once again appear in a bill, but was removed from the Senate Bill
- Looking at the House Bill
- Close for stalling a by changes to the 22 municipalities and counties that have language regarding nutrients in water bodies

Letters to Representatives Oberstar, Mica, Johnson, Boozman, Bishop, LoBiondo, Buchanan and Congressman Connie Mack, regarding Clean Estuaries Act, HR 4715

Mayor Ruane spoke to the letter sent under his signature in the absence of the Mayor before the Mayoral election.

Request from Sanibel Farmers Market to hold the Farmers Market in 2011 at the City Hall, 800 Dunlop Rd.

Ms. Jean Baer and Ms. Jennings spoke to the following:

- Request a 6-month permit to operate the Farmers Market at City Hall (November to May)
- Currently operating 8 to 1
- Requesting to change the time 9 to 2 pm

Councilman Pappas moved, seconded by Vice Mayor Harrity, approve the 2011 six- month and flexibility of hours approval by the City Manager.

Public Comment

Herb Rubin spoke to the City providing the space for competitors providing a service to island based businesses.

Karen Storjohann spoke to her agreement with the change of location and suggested finishing the Dunlop Road Shared Use Path completed to help with traffic.

Nancy Drer spoke to advertising on TV and newspapers, which bring people to the island that, use other facilities and visit other businesses.

Judy Hicks, Farmer Market vendor and island resident spoke in favor of the Farmers Market.

Discussion ensued regarding several businesses concerns, issue of purchasing vegetables at the market and mitigation of costs.

Ms. Zimomra asked for direction regarding costs.

Mayor Ruane stated:

- Look at cost and speak to Farmers Market staff
- Mitigate costs
- Costs not mitigated expect Farmers Market pay

Holly Smith spoke to the possibility of kids willing to volunteer due to the need of Community Service hours.

The motion carried.

Legislative Watch List

Ms. Zimomra spoke to the list made in cooperation of staff and City lobbyist.

COMMITTEES, BOARDS, COMMISSION

City Council Liaison to Planning Commission

April 27, 2010	Vice Mayor Ruane
May 11, 2010	Mayor Denham
May 25, 2010	Councilmember Pappas
June 08, 2010	Councilmember Jennings
June 22, 2010	Councilmember Harrity
July 13, 2010	Vice Mayor Ruane
July 27, 2010	Mayor Denham
August 10, 2010	Councilmember Pappas
August 24, 2010	Councilmember Jennings
September 14, 2010	Councilmember Harrity
September 28, 2010	Vice Mayor Ruane
October 12, 2010	Mayor Denham
October 26, 2010	Councilmember Pappas
November 09, 2010	Councilmember Jennings
November 23, 2010	Councilman Harrity
December 14, 2010	Vice Mayor Ruane
December 28, 2010	Mayor Denham

Discussion ensued regarding Planning Commission meeting and Councilman Pappas was not available to attend the May 25. Mayor Ruane would attend.

Committee Annual Reports

Financial Assistance Committee

Historical Preservation Committee

Parks and Recreation Committee

Vegetation Committee

Ms. Zimomra stated that Chair and Vice Chairs of committees were in the audience.

Mayor Ruane congratulated them for concise annual reports.

RESOLUTION 10-034 APPOINTING MEMBERS TO THE FINANCIAL ASSISTANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 10-034

Councilman Jennings moved, seconded by Vice Mayor Denham, to appoint the following:

Shelly Greg
Jena Dewalt
Barry Roth,
Scott Marcelias
Christine Swiersz

The motion carried

RESOLUTION 10-035 APPOINTING MEMBERS TO THE SANIBEL HISTORICAL PRESERVATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Councilman Harrity moved, seconded by Vice Mayor Denham, to appoint the following:

Sam M. Bailey
Sheila Fortney
Beth Hight
Martha Ponader
Deborah Gleason
Yvonne Hill
Alexander Werner
Harry Bertossa – Emeritus member

The motion carried.

RESOLUTION 10-036 APPOINTING MEMBERS TO THE SANIBEL PARKS AND RECREATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Councilman Jennings moved, seconded by Councilman Harrity, to appoint the following:

Christie Bradley	Melissa Congress	Robb Moran
Richard Muench	Jean Ann DeWalt	Colleen DePasquale
Denny Jones	Billy Kirkland	Barry Roth
Mitch Moore	Allan Silberman	Allan Marcus
Michael Miller		

The motion carried.

RESOLUTION 10-042 AMENDING RESOLUTION 10-029 WHICH ESTABLISHED THE SCOPE OF DUTIES AND RESPONSIBILITIES OF THE PARKS AND RECREATION ADVISORY COMMITTEE; PROVIDING FOR AN ADDITIONAL DUTY AND RESPONSIBILITY OF THE COMMITTEE WITH RESPECT TO REVIEWING AND ADVISING ON THE IMPLEMENTATION OF THE SHARED USE MASTER PLAN; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 10-042.

Councilman Jennings moved, seconded by Councilman Harrity, to adopt Resolution 10-042.

The motion carried.

Discussion regarding the Vegetation Committee membership.

RESOLUTION 10-037 APPOINTING MEMBERS TO THE SANIBEL VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 10-037.

Ms. Zimomra noted that Dr. Loflin recommended that Mr. Ed Hermes and Ms. Feliciano not be re-appointed due to being involved in the landscaping business.

Discussion ensued regarding members not being hired by a landscaping company and perceived to have an unfair advantage, adjunct member was to provide a written translation, test needs to be accurate, does the Planning Commission have a similar potential, Ms. Zimomra answered that the Planning Commission does not give tests, Council made the decision and accept the recommendation, and concern members left would not be able to continue with vegetation inspections.

Councilman Pappas moved, seconded by Councilman Harrity, to following staff's recommendation to remove Edwin Hermes and Lourdes Feliciano and appoint the following:

Phyllis Gresham	Ann Alcott	Berdenna Thompson
Gregory Wood ham	Gloria Hannan	Harold Theiss
Susan Marks	Terry Nagle	William Wollschlager, Adjunct

Public Comment

Jim Kilcherman spoke to the Building Official being a member on the Contractors Review Board.

Ms. Zimomra noted that the Building Official was not a member.

Phyllis Gresham, Chair of Vegetation Committee noted that she thought an adjunct member was seeking appointment as a regular member.

The motion carried with Councilman Jennings opposing.

Mr. Cuyler asked Council to adopt the resolutions.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolutions 10-034, 10-035, 10-036 and 10-037.

The motion carried.

Discussion regarding the appointment of members to the Contractors Review Board

Ms. Zimomra noted that when the packet came out there was only received 2 applications for 3 specific seats; 1) member-at-large; 2) Architect; and 3) member-at-large. She further requested that staff continue to advertise and carry forward to the May 04 agenda giving Council 2 weeks to interview and noting one applicant was a non-resident.

Mr. Cuyler stated Council may want to address seat specific if enough applications do not come in.

Discussion ensued regarding late applicant.

Councilman Pappas moved, seconded by Councilman Harrity, to appoint Edgar Burton to the Contractor Review Board.

The motion carried.

Committee Orientation scheduled for Thursday, April 22, 2010 at 3:00 p.m. at City Hall

Ms. Zimomra so noted the above scheduled meeting.

Acceptance of resignation letter from Carla Brooks Johnson member of the Metropolitan Planning Organization (MPO) Citizen Advisory Committee (CAC)

Council accepted Ms. Johnston’s resignation and thanked her for her service.

Discussion regarding appointment of a Sanibel resident to the Metropolitan Planning Organization (MPO) Citizen Advisory Committee (CAC) (according to the by-laws members of the CAC must be full-time Lee County residents)

Ms. Zimomra noted that the qualifications were from MPO requiring members be a Lee County full-time resident.

Discussion regarding Council liaisons

The liaison list will remain the same with the exception of the following:

Florida Municipal Insurance Trust Board	Kevin Ruane
Florida League of Cities Mayor’s Roundtable	Kevin Ruane
Metropolitan Planning Organization	Kevin Ruane
	Mick Denham/Jim Jennings alternates

Public Comment

Mike Cuscaden spoke to the possibility of merging Community Housing Resources (CHR) and Community Land Trust Committee (CLT) meetings after the Centre Street Plan was complete. He noted that the CHR was the 2nd Monday at 5:30 p.m., and CLT was the 1st Monday at 5:30 p.m.

Dr. Phillip Marks stated that a CLT Committee would take place the first Monday at 5:30 p.m.

NEW BUSINESS

RESOLUTION 10-038 OF THE CITY OF SANIBEL, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE IN THE INCORPORATED AREAS OF SANIBEL, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF SANIBEL, FLORIDA; DETERMINING THE SOLID WASTE AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 10-038. She explained that this was the first step in a series of legislative steps in the process to create a solid waste assessment district for residential service...

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 10-038.

Public Comment

None

The motion carried.

RESOLUTION 10-049 OF THE SANIBEL CITY COUNCIL CONSENTING, AS THE LANDOWNER, TO THE APPROVAL AND EXECUTION BY

COMMUNITY HOUSING AND RESOURCES, INC. OF A SHIP LAND USE RESTRICTION AGREEMENT WITH LEE COUNTY RELATING TO THE WOODHAVEN DEVELOPMENT; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 10-049.

Mr. Cuyler spoke to the following:

- County through the CHIP Program loaned money to CHR for the Woodhaven Project
- Land deeded by CHR to City
- County could not place a lien on property
- Alternative agreement above

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 10-049.

The motion carried.

RESOLUTION 10-045 PROVIDING LANDOWNER'S AUTHORIZATION FOR THE FILING BY COMMUNITY HOUSING AND RESOURCES, INC. OF AN APPLICATION FOR MINOR SUBDIVISION RELATED TO A 5-UNIT BELOW MARKET RATE HOUSING UNIFIED RESIDENTIAL CLUSTER DEVELOPMENT (CONSISTING OF TWO DUPLEX STRUCTURES THAT WILL BE COMMITTED TP SALE OR LEASE AND ONE DWELLING UNIT THAT WILL BE COMMITTED TO LEASE) ON A 1+ ACRE PARCEL OF LAND LOCATED AT 975-991 NEACH ROAD, SANIBEL FLORIDA; AND PROVIDING AN EFFECTIVE DATE

RESOLUTION 10-046 PROVIDING LANDOWNERS AUTHORIZATION FOR THE FILING BY COMMUNITY HOUSING AND RESOURES, INC. OF AN APPLICATION FOR MINOR SUBDIVISION RELATED TO A 3-UNIT BELOW MARKET RATE HOUSING UNIFIED RESIDENTIAL CLUSTER DEVELOPMENT (CONSISTING OF ONE-DUPLEX STRUCTURES THAT WILL BE COMMITTEED TO SALE OR LEASE AND ONE DWELLING UNIT THAT WILL BE COMMITTED TO LEASE) ON A PARCEL OF LAND LOCATED AT 465 WHITEHALL ROAD, SANIBEL, FLORIDA AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the titles of Resolutions 10-045 and 10-046.

Mr. Cuyler explained that the two resolutions were CHR housing with the City being the landowner with a long-term lease with CHR. He further stated that CHR was looking for a minor subdivision for equity ownership and Council needed to approve in order for CHR to go forward.

Ms. Marcelias, CHR Director stated that units had been reconditioned.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolutions 10-045 and 10-046.

Public Comment
None

The motion carried.

Vice Mayor Denham spoke to correspondence between the City Manager and CHR Director Scott Marcelais regarding problems in CHR housing.

Ms. Zimomra stated the following:

- Meeting with CHR Director
- As signature on lease the need for additional screening

Discussion ensued regarding problems, has Sanibel meet housing numbers and objective for Below Market Rate Housing, Mr. Marcelias spoke to the number established 3% of year round housing stock , which was 104. He further stated the number currently was 102, any mandate to require more, Mr. Marcelias stated no, the number for limited equity was 14, recent problems were at Woodhaven, most recent problem at Riverview, problems during the last year at Woodhaven, examining the problems and require better management observation, and all tenants have rights.

Public Comment

Dr. Phillip Marks spoke to success for people that live in the community where they work.

CITY MANAGER

Informational Items

Budgetary Issues

Quarterly Financial Report

Florida Center for Fiscal and Economic Policy Report on the Recession

1st Quarter 2010 Average Sales Prices for Sanibel Homes & Condominiums

Property Appraiser's Valuation Board Report

Five year summary of revenues

Two year summary of Sanibel Recreation Center revenues

Six year summary of City of Sanibel parking revenue

Staff Recommendations

Non-Union Employee Furloughs

Early Retirement of Debt Pay-offs

Lifeguard and Recreation Aide pay reduction

Debt Analysis

Reserve Analysis

Ms. Zimomra spoke to providing reports to show a clear picture of where the City financially was at this time. She further spoke to the City be sound and continuing to take actions to remain financially sound. She also spoke to beach parking running slightly behind. She further spoke to the Finance Director doing a sale-by-sale analysis and saw a significant adjustment at the property tax evaluation board. Ms. Zimomra spoke to the following staff recommendations:

- Accelerate debt payment and pay-off \$2.6 debt from the general fund reserves
- Mandate 3 furlough days for non-union employees
- 15% decrease in Lifeguard and Recreation Aides

Ms. Edwards spoke to information from the state that a small increase in taxes was being collected, some revenues were for only 5 months, 2011 taxes would be reduced due to the property appraiser adjustment board decreasing taxable value, all department running below budget and maintaining expenses. She further spoke to lagging behind in collections, thought most revenues would stay sound, and decrease in tax revenues for 2011.

Mayor Ruane moved, seconded by Vice Mayor Denham, to accept the staff recommendation.

Discussion ensued regarding increasing pay for Lifeguards and Recreation Aide at the time the City had trouble recruiting staff, increase requests for TDC monies with decrease in funds, can not control decrease in revenues, and continue to downsize City staff.

Public Comment
None.

The motion carried.

Matrix Summarizing Proposed Budget Amendment

RESOLUTION 10-043 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-025 AND PROVIDING AN EFFECTIVE DATE

(To retire debt as follow: 1) Paulsen Acquisition Fund \$218,297; 2) 1979 \$3.19M Debt Service Fund \$1,477,896; 3) Capital Lease Fund \$74,635; and 4) Below Market Debt Service Fund \$848,235. Total funding required \$2,619,063. Funding sources: General Fund ending fund balance \$2,225,256; debt service funds ending fund balances \$272,098; Franchise & Business Tax Fund ending fund balance \$121,709. This amendment does not increase or decrease the FY10 budget)

Ms. Zimomra read the title of Resolution 10-043.

Vice Mayor Denham moved, seconded by Mayor Ruane, to adopt Resolution 10-043.

The motion carried.

Year End Post-Audit Final Reconciliation

RESOLUTION 10-039 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-022 AND PROVIDING AN EFFECTIVE DATE

(To roll-forward actual FY2009 ending fund balance (pursuant to audited financial statements) to FY10 beginning fund balance for all funds. These amounts, which are more or (less) than the FY10 budget are being appropriated to FY10 ending fund balance to provide increases or (decreases) in fund balances available to be carried forward to FY11. This amendment increases the FY10 budget by \$3,330,017 although no new or additional funds are appropriated by this amendment. The changes in fund balance are; 1) General, increase by \$1,604,789; 2) special revenue funds, increases by \$739,778; 3) debt service funds, decrease by \$18,926; 4) capital project funds, increase by \$826,681; 5) sewer system, increase by \$64,905 and; 6) beach parking fund, increase by \$112,790)

Ms. Zimomra read the title of Resolution 10-039.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 10-039.

Council asked how the decision made to put money in what funds.

Ms. Edwards stated that each fund was treated as a mini-business and depends on accounting principles.

The motion carried

Discussion regarding a draft ordinance amending the Solicitors License portion of the code

Ms. Zimomra spoke to this coming before Council as a first reading June 01 City Council meeting. She further stated that there was an increase in door-to-door solicitation.

Discussion ensued regarding solicitation of newspapers, Mr. Cuyler stated that would be up for discussion and was in the current code.

Building Department Monthly Revenue Report
Building Department Monthly Permit and Inspections

Ms. Zimomra stated that building had increased and a high level of renovation activity.

Planning Department Permit Activity Report
Planning Department Code Enforcement Activity Report
February, 2010 Causeway counts

Ms. Zimomra stated decrease of Causeway traffic continues.

Lee County Electric Corporation's (LCEC) 2010 Sanibel Island Circuit Trim

Ms. Zimomra spoke to the trim schedule.

Lighthouse Land transfer April 21, 2010 at 10:00 a.m. Lighthouse Beach, 1 Periwinkle Way

Ms. Zimomra spoke to the Land Patent Transfer ceremony and going to lunch with dignitaries.

PUBLIC COMMENT

Claudia Burns spoke to comments of garbage hauler at the public meeting. She also asked if the gazebo would be large enough for a 35 member concert band, would there be a charge and how would the application work. She asked when the gazebo would be complete.

Mr. Cuyler advised that the public hearing for solid waste assessment would be July 20, 2010 and Ms. Zimomra stated that the gazebo would be designed in a manner to have large bands, and yes there would be a fee under the Special Event ordinance, once amended.

Karen Storjohann spoke to Sanibel's Shared Use Paths were wonderful, but stated she thought that the City could adopt a law to prohibit bikes on roadways.

Mr. Cuyler stated that Florida Statute does not allow municipalities to adopt a law prohibiting bike on roads. He further stated that he would be happy to speak with anyone and some bikers traveled 20 to 25 mph.

COUNCIL MEMBERS' REPORT

Mr. Pappas spoke to B.I.G. Arts forming an association to raise money and asked the City Manager to keep Council informed. He further stated that there had been mistakes in the past and there was an opportunity to work with B.I.G. Arts.

Florida Municipal Insurance Trust (FMIT) meeting of March 06, 2010

Vice Mayor Ruane spoke to the wonderful job done by this Board and had accumulated \$227 million in surplus and were considered a Triple A.

Vice Mayor spoke to his concern of IWA having a \$300,000 shortfall.

Tourism Development Council (TDC) meeting of April 09, 2010

Vice Mayor Ruane spoke to attending the TDC meeting.

Florida League of Cities Legislative Day, March 23, 2010

Councilman Jennings spoke to attending the above meeting.

CITY ATTORNEY'S REPORT

Discussion and request for direction relating to the accessory use of docks, boat davits and boat lifts which are currently not permitted through the conditional use process in the zone extending from the west boundary of Lighthouse Park to the west right-of-way boundary of Dixie Beach Boulevard at Woodring's Point.

Mr. Cuyler spoke to the following:

- Requesting direction relating to an existing dock prohibition in the area between Dixie Beach east to the Lighthouse
- Approach how the regulation came into effect
- Research the issue and conclusion was staff needed direction to bring back regulations to reasonable regulate, but does not prohibit docks in the above-mentioned area
- First reading would be at the June 01, 2010 meeting

asked that discussion be delayed due to his advice to someone that discussion would not take place until after the Executive Session.

Councilman Harrity moved, seconded by Vice Mayor Denham, to direct staff to bring back legislation to remove the prohibition.

Discussion ensued regarding the process.

The motion carried.

Mayor Ruane announced that City Council would be going in to Executive Session to discuss union negotiations until 2:00. He stated the following people would be attending.

1:00 P. M. to 2:00 P. M. EXECUTIVE SESSION RELATING TO AFSCME NEGOTIATIONS

In attendance shall be only the following persons:

Mayor Mick Denham

Vice Mayor Kevin Ruane

Councilman Marty Harrity

Councilman Jim Jennings

Councilman Peter Pappas

Sanibel City Manager Judie Zimomra

Sanibel City Attorney Kenneth Cuyler

Jim Isom, Director of Administrative Services

Sylvia Edwards, Finance Director

Wayne Helsby, Labor Counsel (Allen, Norton & Blue)

Michael Tierney, Actuary, Actuarial Concepts (by phone)

Jim Linn, Lewis, Longman & Walker P.A. (by phone)

Council recessed the meeting at 1:00 p.m.

Council reconvened in to open session at 2:00 p.m.

PRESENTATION

Presentation by Larson Allen, Inc., for the 2008-09 Audit

Mr. Marty Redovan spoke to the following:

- Audit information provided by the Finance Department
- Larson Allen responsibility to review information
- Report on internal controls of financial reporting
- Do not report any material weakness
- Internal control of financial reporting
- No instances of failure
- Financial letter required
- 3 housekeeping comments and corrective measures by City Manager listed
- Finance Department not making a lot of journal entries
- Any disagreements or difficulties between the management team and the auditor

Discussion ensued regarding the auditors meeting with City Council and an email sent to all Council offering said meetings.

There being no further business the meeting was adjourned at 2:05 p.m.

Respectfully submitted by,

Pamela Smith, MMC

Sanibel City Clerk

Amendment

On Page 11 under “Discussion regarding Council liaisons” reflected the MPO liaisons were Mayor Ruane with alternates Vice Mayor Denham and Councilman Jennings. The correct alternates should be “Councilman Jennings then Vice Mayor Denham.” These minutes were amended Tuesday, July 20, 2010 by a unanimous vote of City Council.