

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

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

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

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

PRESENTATIONS(S)

Recognition of James Jordan, Jr., Planning Director, for 25 years of City service

Mayor Ruane presented a proclamation to Mr. Jim Jordan for 25 years of service to the City and residents.

Recognition of Employee of the Quarter, 3rd Quarter, fiscal year 2009-2010

Vice Mayor Denham announced that Crystal Mansell as the Employee of the 3rd Quarter.

Presentation of the Florida Association of City Clerks (FACC) Presidents' Plaque for having served as the 2009-10 as FACC President to Pamela Smith, MMC City Clerk by Kelly Koos, MMC City Clerk, Lakeland – FACC 2nd Vice President AND In appreciation and recognition to the City of Sanibel the Florida Association of City Clerks (FACC) presents a resolution extending thanks to the City of Sanibel – Presented by Kelly Koos, MMC City Clerk, Lakeland

Vice Mayor Denham introduced Kelly Koos, MMC City Clerk for the City of Lakeland and the Florida Association of City Clerks (FACC) 2nd Vice President.

Mrs. Koos presented a FACC resolution of appreciation for supporting Pamela Smith, MMC City Clerk as the FACC President for FY 2009/2010 to Mayor Ruane and the City Council and the President's Plaque to Mrs. Smith.

Recognition of Sharon and Judy Michie on behalf of "Friends of the July 4th Fireworks, Inc., (a not for profit organization) for spearheading the fund raising drive to collect \$17,500 to sponsor the Independence Day fireworks display and associated City costs

Mayor Ruane recognized Sharon and Judy Michie for the spearheading efforts and creation of the "Friends of the July 4th Firework, Inc." to raise funds to hold the Independence Day Fireworks display.

Judy Michie spoke of the efforts of her daughter, Sharon.

Transportation Issues

Status of Establishment of County-wide Transit Authority by Steve Myers, Lee County Transit Director

Mr. Myers spoke to the following:

- The need for a good transit system
- Possible referendum in 2012 for a \$.01 sales tax to raise funds for a system
- The need for a Transit Authority
- There will be a charter agreement between Lee County and all municipalities
- Authority should be based on population
- At least one representative from each municipality

Discussion ensued regarding how board membership on a transit authority, should not be according to population, Mr. Myers spoke to the many discussion of voting share and next meeting the consultant would bring a proposed charter to the next MPO, Ms. Zimomra spoke to the second item was if the membership was by population there would be an op-out stipulation, membership by property tax, MPO committee was not in favor, Sanibel would be heavily impacted with only one member on an authority board due to population, Mr. Myers spoke to transit implementation of services to Lee County, and a veto right was not seen as a necessary option.

Status of Phase III of the Alternative Transportation in Parks and Public Lands Project (ATPPL) by Steve Myers, Lee County Transit Director (10 mins)

A brief history of the work to date was given, as well as a brief PowerPoint presentation.

PLANNING COMMISSION REPORTS

Planning Commission Report of Tuesday, June 8th, June 22nd and July 13th meetings Commissioner Valiquette

Mr. Valiquette gave the following report:

- Lifting of moratorium regarding boat docks

Scheduled update from the Planning Commission regarding Resort Housing District Redevelopment Study

Chairman Mike Valiquette reported discussion included:

- Density
- Impervious coverage and developed areas with vegetation removals
- Height limits
- Setbacks
- Recreational open space
- Vested rights

Discussion ensued regarding concern of discussion on mitigation, number of dwelling units per structure, Mr. Valiquette spoke to a 3-floor limitation and the possibility of rewarding owners for having more yard space, and Vice Mayor Denham noted that he had requested a meeting with Mr. Valiquette and staff.

Public Comments

Karen Storjohann spoke to attending the Planning Commission meetings regarding development. She noted that if there was not land there would be no way to help the owner.

Tom Kontinos' spoke to the following:

- 2004 investigated past allegations of staff falsifying records and committing perjury regarding Raintree Place of a roadway easements and connecting with Twin Ponds
- 2004 number of requests seeking any and all records relating to Raintree Place (surveys, maps, plats)
- All surveys did not show Raintree Place did not end in a cul-de-sac
- Submitted warrant request to State Attorney's office and no proceedings took place
- Contacted by Mr. Maxwell after locating an official street map depicting Raintree Place not terminating in to a cul-de-sac decided not to prosecute and a map showing Raintree Place does not terminate but continues on to connect with Twin Ponds
- Did not receive said map and alleged violation of Sunshine Law

Discussion ensued regarding why the State Attorney's office did not to prosecute, Mr. Kontinos' answered that the State Attorneys office was not comfortable with prosecuting, Mr. Cuyler noted that the State Attorney's office put in writing the reason for not prosecuting, because there was not sufficient

information, as Mr. Kontinos stated said document could have been critical and Mr. Maxwell found document, was information requested previously, and Kontinos' answered he requested the document.

Steve Maxwell spoke to a letter and passed out to Council a letter from his wife requesting Council give Mr. Maxwell her 3 minutes because she could not attend. He continued to speak to the following:

- Involved with the issue since 2002
- Read letter from spouse

Mr. Cuyler cautioned Council beginning a new procedure of giving residents other persons 3 minutes for public comment.

- June 18, 2010 letter from Mr. Cuyler, City Attorney that Raintree Place was never regarded by the City a road and no City documents exists to support the inaccurate representation
- Researching sewer maps due to a drainage issue and found that the sewer maps designate Raintree Place as a road
- City street maps from 1986 not included in the Comprehensive Plan
- Requested previously that all documents regarding Raintree Place be produced
- Employed by the City in 1997 and 1978 wrote the first street atlas for the City

Mr. Cuyler stated that he would be glad to take respond in writing and review any new information. He further spoke to the history of the previous lawsuits and complaints filed by Mr. Maxwell. He further spoke of a lawsuit against the City and Mr. & Mrs. Gomberg, which lost. He also spoke to the history of complaints against the City and City staff.

Mayor Ruane stated that Council would review the information.

Claudia Burns thanked Council for making it possible to have to fireworks display. She also thanked Sharon & Judy Michie. She further asked that Consent Agenda (r) be pulled.

Council Comments

Councilman Pappas stated he had been in touch with Mr. Maxwell many times and received a call in May from Mr. Maxwell, but did not have the opportunity to return the call, and Council should review the information. He spoke to Mr. Cuyler regarding needed information, which was provided. He further spoke to Sanibel looking good.

Mr. Cuyler apologized to Council for losing his temper.

Councilman Jennings spoke to the fireworks and spoke to Claudia Burns making a point in the paper regarding the fireworks.

Vice Mayor Denham spoke to an article in the paper regarding proposed land acquisition. He asked if staff could give a report regarding the article at the August 03 Council meeting. He further spoke to the Gomberg's being the victims and suffered immeasurable harm from previous lawsuits.

Councilman Harrity congratulated Director Jordan and thanked the Michies for the work regarding the fireworks display

Mayor Ruane stated that Council would review the information brought forward to Council and would revisit the issue. He also thanked the Michie's and congratulated Mr. Jordan.

Council recessed the meeting at 10:17 a.m.

Council reconvened at 10:31 a.m.

First Reading of an ordinance and scheduling of public hearing.

ORDINANCE 10-009 AMENDING CITY OF SANIBEL ORDINANCE 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 CATEGORY OF “MEMBER GUEST RATES - INDIVIDUAL”; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 10-009.

City Council set the second reading and public hearing for Tuesday, August 03, 2010 at 9:15 a. m.

Public Hearing

RESOLUTION 10-064 OF THE SANIBEL CITY COUNCIL TO DETERMINE THE PROPRIETY AND ADVISABILITY OF ESTABLISHING A RECURRING ANNUAL SPECIAL SERVICE ASSESSMENT TO FUND THE CITY’S COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE FOR RESIDENTIAL DWELLING UNITS (DEFINED AS ONE THROUGH FOUR RESIDENTIAL DWELLING UNITS PER PARCEL) WITHIN THE CITY OF SANIBEL, FLORIDA, AND THE FUNDING THEREOF PURSUANT TO CHAPTER 170, FLORIDA STATUES; LEVYING AND IMPOSING SUCH RECURRING ANNUAL SPECIAL SERVICE ASSESSMENT FOR THE YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011; PROVIDING FOR A RECURRING ANNUAL SPECIAL SERVICE ASSESSMENT AND THE PROCEDURES THEREFOR FOR FUTURE YEARS; APPROVING THE UNIFORM METHOD (i.e., TAX BILL) OF COLLECTION OF SUCH ASSESSMENTS PURSUANT TO CHAPTER 197.3632, FLORIDA STATUTES, FOR TAX YEAR 2010 AND FOR FUTURE TAX YEARS ON A RECURRING ANNUAL BASIS; AMENDING CITY OF SANIBEL RESOLUTION NO. 10-038 TO REFLECT A REDUCTION IN THE TOTAL SOLID WASTE COSTS AND RATE OF ASSESSMENT TO ALL ASSESSED PARCELS; AND PROVIDING AN EFFECTIVE DATE

RESOLUTION 10-065 OF THE CITY COUNCIL OF THE CITY OF SANIBEL SITTING AS THE SANIBEL EQUALIZATION BOARD; EQUALIZING AND APPROVING A RECURRING ANNUAL SPECIAL SERVICE ASSESSMENT FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE FOR ALL RESIDENTIAL DWELLING UNITS (DEFINED AS ONE THROUGH FOUR RESIDENTIAL DWELLING UNITS PER PARCEL) WITHIN THE CITY OF SANIBEL; EQUALIZING AND APPROVING THE RECURRING ANNUAL SPECIAL SERVICE ASSESSMENTS FOR FISCAL YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011; PROVIDING FOR THE CONFIRMATION, ADOPTION AND FILING OF A FINAL ASSESSMENT ROLL FOR SAME; PROVIDING FOR CONFIRMATION OF THE RECURRING ANNUAL SPECIAL SERVICE ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 10-064 and Resolution 10-065.

Mr. Cuyler explained the following:

- Resolution 10-064 established the assessment roll, includes on tax roll and establishes a process to have a reoccurring process
- Council approached by residents to put the solid waste bill on the tax bill
- Solid waste charge was not a new charge or fee
- Mechanism to get on tax bill as annual service assessment must follow certain statutory guidelines
- Tax bill November, 2010
- Council sits as the equalization board and Resolution 10-065 allows consideration individual property owner requests/complaints
- Resolution allows interim assessment due to new ownership or new residential structure at the certificate of occupancy stage

Discussion ensued regarding ask Mr. Cuyler to speak to this assessment not being an additional fee, and the purpose of the process was to establish the solid waste fee as an assessment to be paid on the tax bill.

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

- Sent a letter to all affected parties
- Received about 30 calls regarding the bill from the hauler & reasoning behind the tax bill assessment
- Convenience to put on tax bill rather than paying every quarter
- One letter received that a unit was classified as a duplex, but being used as a single-family home and staff recommended to be treated as a single-family dwelling

Mr. Cuyler spoke to Resolution 10-064 amended Resolution 10-038 lowering the assessment rate from \$316.51 to \$291.06 for curbside and reduces \$404.31 to \$377.00 for back door pick-up. He further explained that the fees only relate to residential for units 4 or less.

Discussion ensued regarding reducing cost was the reason carriers were switched, and no duplicate charge.

Public Comment

Dorothy Nututelli spoke to paying for a service that has yet to been rendered and not a saving to the residents. She further spoke to businesses or condominiums not included.

Mr. Cuyler spoke to saving over last year from \$316.00 to \$289 this year; tax bill allows payment in advance with a 4% reduction for paying tax bill earlier. He further spoke to paying in advance and service begins in October, the hauler agreed the first 90 days would be held, afterward billed monthly.

Discussion ensued regarding home sale, Mr. Cuyler noted that all costs would be pro-rated when selling home and purchaser would pay the remaining amount, could this fee be taken off the income tax, Mr. Cuyler stated that historically people do take the solid waste fee off annual taxes, but was a non-ad valorem tax, \$27.00 savings with a savings of 12.3%, City receive funds from tax collector and Veolia would bill the City.

Fred Bould spoke to paperwork reduced, in Naples the bill was less than half of the proposed Sanibel waste bills, should not pay in advance and were residents over paying. He further spoke to change in provider ¾ years ago, put all technical equipment in wheel barrel to help provider and wheel barrel was destroyed.

John Herman disagreed with solid waste fee on tax bill.

Barry Roth asked was the service for 4 units and under, will service be paid if units were empty for an extended period of time. He also stated that changing service i.e., cub side or back door service, who would any change be addressed?

Mr. Castle stated that Veolia and City should be notified.

Council answered that questions would be answered: why costs increased; why was there a mandate of usage when some units were empty; and legitimate complaint on tax bill and not pay in advance – marginal increase

Councilman Pappas explained the following:

- Garbage must be paid regardless of home being occupied
- Appears tax bill would be higher – marginal increase due to solid waste assessment
- Pay as I go or in advance - legitimate cause, but for another day
- Communities that pay less or more, but the City Manager and Public Works Director have that information due to research
- Sanibel may pay more due to being an island
- Collection fee reasonable for service
- Other communities have solid waste fee on tax bill

Mr. Bould spoke a second time agreeing with the assessment on the tax bill.

Claudia Burns asked if the change applies to parcels that have 5 units.

Mr. Castle answered that each duplex would count as 2 units and associated charges.

Mr. Cuyler stated that it was not an increase in taxes, but a non-ad valorem assessment.

Discussion ensued regarding reading all letters sent in, some letters reflected a misunderstanding of increasing taxes, which cost for solid waste an assessment on the tax bill.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 10-064.

The motion carried.

RESOLUTION 10-065 OF THE CITY COUNCIL OF THE CITY OF SANIBEL SITTING AS THE SANIBEL EQUALIZATION BOARD; EQUALIZING AND APPROVING A RECURRING ANNUAL SPECIAL SERVICE ASSESSMENT FOR THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES AND HORTICULTURAL WASTE FOR ALL RESIDENTIAL DWELLING UNITS (DEFINED AS ONE THROUGH FOUR RESIDENTIAL DWELLING UNITS PER PARCEL) WITHIN THE CITY OF SANIBEL; EQUALIZING AND APPROVING THE RECURRING ANNUAL SPECIAL SERVICE ASSESSMENTS FOR FISCAL YEAR OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011; PROVIDING FOR THE CONFIRMATION, ADOPTION AND FILING OF A FINAL ASSESSMENT ROLL FOR SAME; PROVIDING FOR CONFIRMATION OF THE RECURRING ANNUAL SPECIAL SERVICE ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE

Mr. Cuyler explained that there was only one request that a duplex was being used as a single-family dwelling and staff recommended that change, which would be added to Exhibit B.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 10-065 and amend Exhibit B to include the change mentioned-above.

The motion carried.

RESOLUTION 10-057 APPROVING A SOLID WASTE RATE STRUCTURE FOR FISCAL YEAR 2010-2011 WHICH RESULTS IN AN 8.6% 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 10-057.

Councilman Harrity moved, seconded by Vice Mayor Denham, to adopt Resolution 10-057.

The motion carried.

Approve an Interlocal Agreement between the City of Sanibel and Lee County for Municipal Solid Waste Disposal for a 10 year term and authorize the Mayor to execute same (this agreement not only includes solid waste but vegetation and recycling)

Discussion ensued regarding an escalation of 6% per year in the agreement.

Mr. Castle introduced Lindsay Sampson, Lee County Solid Waste.

Mr. Sampson stated that any increase would be substantiated and the agreement was the same as approved in the previous 14 years. He further spoke to being successful at keeping the increase to 1% annually. He requested Council's consideration.

Discussion ensued regarding the increase being a fuel charge, capture additional revenues with fuel increase, large user to haul ash, break-down of equipment may have an impact on calculating revenue, Mr. Sampson noted that 6% was included in the agreement so the agreement would not need to come before Council again, only come before Council if requested to substantiated increase, uniform term with other municipalities, Mr. Sampson stated that in any one-year there was an increase of more than 2% and would likely impact the agreement, Mr. Castle stated the agreement went in to effect in 2000 with a rate of \$50 per ton for disposal and the new agreement reflects \$55 per ton and 10% increase over 10 years, with a rate increase from \$54 per ton to \$55 per ton, Mr. Castle noted that 2% increase would equal \$1.10 increase and 3% would allow \$1.65 above the \$55 per ton, Mr. Lindsay requested Council allow for a 4% increase and the agreement would go before the Lee County Board of Commissioners next, standard agreement with all municipalities, Mr. Lindsay noted differences were small differences for any municipal agreement, Mr. Lindsay noted that a uniform rate was applied for all municipalities, next step would be taken before County Commissioners consideration and approval, and Mr. Sampson noted that Ft. Myers signed last year, Cape Coral and Bonita Springs would be considering.

Vice Mayor Denham moved, seconded by Councilman Jennings, to approve the Interlocal Agreement with a 3% increase rather than 6% and keep the agreement for 10 years.

The motion carried.

Approval of an Interlocal Agreement between the City of Sanibel and Lee County for the establishment of a Municipal Solid Waste Disposal Assessment Facilities Assessment Program within the City for a period of 10 years and authorize the Mayor to execute same (this agreement would provide a mechanism to charge customers within an area by establishing a Municipal Service Benefit Unit Program (MSBU) or a Municipal Service Taxing Unit Program (MSTU))

Vice Mayor Denham moved, seconded BY Mayor Ruane, to accept the Interlocal Agreement.

Public Comment

None

The motion carried.

Second Reading and Public Reading

ORDINANCE 10-006 AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, AMENDING CHAPTER 46, PEDDLERS AND SOLICITORS, ARTICLE II, SOLICITORS, DIVISION 1, GENERALLY, SECTION 46-31 - DEFINITIONS, SECTION 46-32 - EXCEPTION, SECTION 46-33 - ACTS PROHIBITED; ADDING NEW SECTION 46-34 - RESPONSIBILITIES; ADDING NEW SECTION 46-35 - CONTACT INFORMATION; AMENDING DIVISION 2, PERMIT, SECTION 46-51 - APPLICATION; CONTENTS; AMENDING SECTION 46-54 - DUTY TO CARRY, EXHIBIT PERMIT; AMENDING SECTION 46-55 - FEES; AMENDING SECTION 46-58 - APPEAL FROM PERMIT DENIAL OR REVOCATION; OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title Ordinance 10-006.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Ordinance 10-006.

Public Comment

None

The motion carried.

ORDINANCE 10-008 PERTAINING TO BRAZILIAN PEPPER ERADICATION; AMENDING SUBSECTION 2 (b) OF ORDINANCE NO. 05-008 BY AMENDING THE BRAZILIAN PEPPER ERADICATION MAP REFERRED TO IN THAT SECTION; BY IMPLEMENTING A NEW MANDATORY ERADICATION ZONE NO. 5, IN ADDITION TO THE MANDATORY ERADICATION ZONE 1 REFERRED TO IN SECTION 3 OF ORDINANCE 98-02, ZONE 2 IN SECTION 2 OF ORDINANCE 00-15, ZONE 3 IN SECTION 2 OF ORDINANCE 02-07, AND ZONE 4 IN SECTION 2 OF ORDINANCE 05-008, AND DIRECTING THE CITY MANAGER TO MAINTAIN ON FILE IN THE PUBLIC RECORDS A COPY OF THE BRAZILIAN PEPPER ERADICATION MAP AS AMENDED AND THE DESCRIPTION OF THE MANDATORY ERADICATION ZONES (1, 2, 3, 4, AND 5); PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title Ordinance 10-008.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 10-008.

Discussion ensued regarding history of compliance, Dr. Loflin answered that compliance was excellent and was a credit to the community, Brazilian pepper does come back, vacant lots with downed trees, easier to get rid of when trees smaller, better way to remove, sterilize soil in the Everglades, Dr. Loflin stated that sometimes contractors take short cut by not treating the tree stump, and continue to remove the seed source less and less regrowth.

Public Comment

None

The motion carried

CONSENT AGENDA

Claudia Burns previously requested the item (r) be pulled for discussion.

- b. **RESOLUTION 10-076 AMENDING RESOLUTION 09-085 WHICH RELATES TO THE CITY'S RECREATION FINANCIAL ASSISTANCE PROGRAM POLICIES AND PROCEDURES FOR THE RECREATION DEPARTMENT'S SUMMER CAMP PROGRAM AND AFTER-SCHOOL PROGRAM (WHICH INCLUDE HOLIDAY PROGRAMS AND FUN DAYS PROGRAMS) CONDUCTED DURING AND AFTER THE SCHOOL YEAR; AMENDING THE "SLIDING FEE" SCHEDULES FOR SUCH SUMMER CAMP PROGRAM AND AFTER-SCHOOL PROGRAM; AND PROVIDING AN EFFECTIVE DATE**

- d. **RESOLUTION 10-072 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND PROVIDING AN EFFECTIVE DATE** (Recreation Center Ballfield mowers)

- e. **RESOLUTION 10-071 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-040 AND PROVIDING AN EFFECTIVE DATE** (To transfer \$8,396 of flood and wind insurance from the general fund to the recreation center fund to reflect the transfer of the Center4Life to the recreation fund in FY10. To reduce the FY10 budget for OPEB contributions by \$49,103 in conformance with the OPEB actuarial valuation of October 1, 2009. This budget amendment does not increase or decrease the FY10 budget)

- f. **RESOLUTION 10-068 AMENDING RESOLUTION 98-189 WHICH ESTABLISHED A POLICY FOR CONSIDERATION, BY THE CITY COUNCIL, OF REQUESTS FOR CERTAIN PUBLIC IMPROVEMENTS TO BE FINANCED BY SPECIAL ASSESSMENTS ON SPECIFICALLY BENEFITED PROPERTIES; AMENDING THE NECESSARY APPROVAL REQUIREMENT FROM 80% OF PARCEL OWNERS TO 51% OF PARCEL OWNERS ONLY FOR CANAL DREDGING SPECIAL ASSESSMENT PROJECTS; AND PROVIDING AN EFFECTIVE DATE**

- g. Approve Molnar Electric, Inc., to perform electrical upgrades in conjunction with the City Hall emergency generator in the amount of \$31,991 and additional costs of electrical upgrades in the amount of \$8,000 and \$14,000 in additional generator rental costs, incurred while the generator is out of service **AND** \$40,000 for the Oil Spill Clean up Fund for cost related to the Coastal Watch Volunteer Program **AND RESOLUTION 10-077 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-036 AND PROVIDING AN EFFECTIVE DATE** (To transfer funds from reserves for disaster for the following purposes: 1) \$22,000 to the public facilities department to upgrade the electrical capacity of the new emergency generator at City Hall; and 2) \$40,000 to the Oil Spill Clean Up Fund for costs related to a coastal watch program. This budget amendment does not increase the FY10 budget)

- h. **RESOLUTION 10-074 ACCEPTING WASTEWATER COLLECTION AND TRANSMISSION SYSTEM EASEMENTS FROM SANIBEL PROPERTY OWNERS FOR THE SANIBEL SEWER SYSTEM EXPANSION PROJECT, PHASE 4; AUTHORIZING THE CITY MANAGER TO RECORD SAME IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE**
 - l. **RESOLUTION 10-075 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-041 AND PROVIDING AN EFFECTIVE DATE** (To budget a \$500 donation from the L.A.T. Foundation for the Sanibel Historical Village and Museum. This amendment increase the FY10 budget by \$500)
 - o. **RESOLUTION 10-078 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-038 AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$17,500 in donations for fireworks on the 4th of July, received from Friends of July 4 Fireworks. This budget amendment increases the FY10 budget by \$17,500)
 - p. **RESOLUTION 10-066 APPROVING A LEASE RENEWAL AGREEMENT FOR THE WEST LIGHTHOUSE CARETAKER'S COTTAGE WITH RANDAL D. WRIGHT; AND PROVIDING AN EFFECTIVE DATE**
 - q. **RESOLUTION 10-067 APPROVING A LEASE RENEWAL AGREEMENT FOR THE EAST LIGHTHOUSE CARETAKER'S COTTAGE WITH DENNIS L. ROBERTS; AND PROVIDING AN EFFECTIVE DATE**
 - s. **RESOLUTION 10-078 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-038 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$47,000 from the West Coast Inland Navigation District (WCIND) for marine enforcement. A copy of project L-288 is attached. This amendment increases the FY10 budget by \$47,000)
 - t. **RESOLUTION 10-070 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-037 AND PROVIDING AN EFFECTIVE DATE** (To transfer from reserves for contingency for the following purposes: 1) \$11,815 to the police department to erect a security fence across the driveway; and 2) \$4,700 to public facilities for electrical work at the Center4Life. This budget amendment does not increase the FY10 budget)
- Councilman Harrity moved, seconded by Mayor Ruane, to adopt Resolutions 10-076, 10-072, 10-071, 10-068, 10-077, 10-074, 10-076, 10-074, 10-075, 10-078, 10-066, 10-067, 10-078, and 10-070.

Mr. Cuyler advised that item (g) include approval of the agreement for Molnar Electric to perform the work and a budget amendment.

Ms. Zimomra explained the \$40,000 expenditure was for the Coastal Watch Volunteer Program and the orientation scheduled for next week.

Public Comment
None

The motion carried.

r. **RESOLUTION 10-069 AMENDING THE SPECIAL EVENTS SCHEDULE OF FEES FOR THE CITY OF SANIBEL; PROVIDING FOR FEES FOR RENTAL OF VARIOUS EQUIPMENT FROM THE CITY; PROVIDING FOR FEES FOR RENTALS OF CITY FACILITIES INCLUDING COMMUNITY PARK AND BOWMAN'S BEACH PARK; AND PROVIDING AN EFFECTIVE DATE**

Claudia Burns asked if a community group wanted to give a free concert and how would a group cover the fees without charging the attendees. She asked if a performance could be given without paying fees.

Ms. Zimomra spoke to the following:

- No exception for non-profit organizations
- Other non-profit groups to use the facilities pay the fees
- Most groups normally find a sponsor and give credit to that sponsorship
- If there was a Community Park event with more than 100 people there would be a Police Department cost
- Cost associated depending on the size of the event
- Special Event Permit gives groups reservations to use the facilities

Vice Mayor Denham moved, seconded by Councilman Pappas, to adopt Resolution 10-069.

Public Comment

None

The motion carried.

Councilman Jennings asked that item (j) be pulled for discussion.

j. Award City Hall roof replacement contract to Advanced Roofing and Sheet Metal in the amount of \$233,290.00 and authorize the City Manager to execute same

Discussion ensued regarding why the project was not advertised in Port Charlotte and only in the News Press, Mr. Gates Castle, Public Works Director answered that staff felt there was enough roofing contractors and the use of the Builders Exchange, as well as putting the bids on the City web-site in an effort to save money, Ms. Zimomra stated that there was a separate bidding section, need to monitor closely, reservations of the project, astonished that only 2 bids were received, how was the cost of \$300,000 established, Mr. Castle answered that staff involved a roofing contractor by reviewing the City Hall roof and giving cost estimate, approximately one dozen bid packets were picked-up, time-frame for scheduling, staff would schedule the work with the chosen contractor, adhere to statute guidelines, re-advertise, the need to follow work closely, what was the industry standard, Mr. Castle stated the 2 bids were in line with one another, but one bidder did not clarify the type of roof, and should re-bid project, Mr. Cuyler had that Council allow time for staff to discuss and bring back in the afternoon for discussion.

Council agreed

- a. Approval of minutes – Amended April 20, 2010 Regular Meeting and June 01, 2010 Regular Meeting
- c. Award the ball field mowing and maintenance contract to Native Outdoor Services in the amount of \$5,200 per month for FY2010 through FY2014 and authorize the City Manager to execute same (funds are contained in the FY10 amended budget)
- i Request for improvements on City-owned property adjacent to Chamber building (parking lot) at no City expense

- k. Approval of an agreement between the City of Sanibel, Sanibel Captiva Conservation Foundation (SCCF) and J. N. "Ding Darling" Wildlife Refuge for the management of preservation lands and authorize the City Manager to execute same
 - m. Approval of an Interlocal Agreement between the City of Sanibel and Lee County Sheriff's Department, City of Fort Myers, Lee County Emergency Operations Center (EOC) and Lee County Port Authority for shared use of Community Notification System at a cost of \$2,900, which is contained in the FY10 budget and authorize the City Manager to execute same (this Interlocal Agreement was previously approved at the June 01, 2010 City Council meeting, but minor changes were made after approval to include a reduction in the overall cost, the Lee County Sheriff's share of the cost, reduction in call minutes available, changes to the signature page and correction of an error in the sample calculation of additional charges)
 - n. Approval of a 60-month lease agreement between the City of Sanibel and Xerox Corporation for the lease of the Xerox WorkCentre 5665 (black and white) and the ColorQube copiers in the amount of \$1,474.67 per month and authorize the City Manager to execute same (approval of this lease agreement will reduce monthly copier costs by approximately \$1,100)
 - g. Approve Molnar Electric, Inc., to perform electrical upgrades in conjunction with the City Hall emergency generator in the amount of \$31,991 and additional costs of electrical upgrades in the amount of \$8,000 and \$14,000 in additional generator rental costs, incurred while the generator is out of service
- Vice Mayor Denham moved, seconded by Councilman Harrity, to approve the above-mentioned.

Public Comment
None

The motion carried.

Mayor Ruane asked that Burgess Chambers give an overview on City investments.

Mr. Chambers spoke to the following:

- Oversee the Police Pension, General Employees Pension and the City's Reserve Assets
- \$20 million in the portion of reserved assets and increased the projected yield from \$75,000 to \$220,000
- Focusing on A securities, taxable municipals and a very small portion of A or better credits
- Health of pension systems with exception of realty market doing well

Discussion ensued regarding increased investments, insight of first-half of year, Mr. Chambers spoke to growth remaining by 2% and concern of deflation, pressure on municipalities regarding real estate based revenues, cities tightening up to withstand the remaining period, no double-dipping, but retracted period of little or no growth, healing would happen and have a recovery phase, recommendation to Council several years ago and go with a COLA, Mr. Chambers stated it was by another actuary.

Mayor Ruane announced that Council would go recessed the meeting for the scheduled Executive Session.

Council recessed at 12:07 p.m.

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 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), via telephone

Council reconvened the meeting 1:35 p. m.

OLD BUSINESS

Water Quality Issues

Public Comment

Karen Storjohann suggested having a contest within the artist community to create a child's coloring book to bring the small tooth sawfish to the forefront of the discussion.

Update and status of Lake Okeechobee Releases

Letter from Governor Crist dated June 23, 2010 for sending Resolution 10-062 supporting SFWMD US Sugar land acquisition

Army Corps of Engineers announcement that Lake Okeechobee freshwater releases to be increased beginning Sunday, July 11, 2010

Letter dated June 22, 2010 to Army Corps of Engineers (ACOE) and NOAA regarding "Petition to Reinstate Section 7 Consultation for Smalltooth Sawfish Critical Habitat Adversely Affected by the Lake Okeechobee Regulation Schedule AND Letter dated June 4, 2010 to the Army Corps of Engineers (ACOE) requesting records under the Freedom of Information Act (Vice Mayor Denham)

Update regarding Regional Planning Council (RPC) water quality work as Chairman (Vice Mayor Denham)

Update regarding legislative contacts made by Councilman Jennings

Dr. Loflin spoke to the following:

- ACOE over reacted to recent rainfall
- Inequity of water releases
- Managing Lake Okeechobee from 12.5 feet to 15.5 feet
- Measuring flows for Sanibel at Lake Okeechobee
- Release water on top of basin flows
- Release at s_77 3,500 cubic feet of water
- Excessive discharges
- Water brown and now past lighthouse
- No answer regarding reason for discharge – scheduling for future predictions
- Meeting this morning – good chance to lower discharges Thursday, July 22

Discussion ensued regarding impact estuaries and the creatures living in the estuaries, try to talk to Colonel, spoke to Lt. Colonel, sent letter, sent similar message to SFWMD, meeting with SFWMD regarding concerns, SFWMD agreed that creating water storage would not prevent discharging from Lake Okeechobee would take care of the natural basin run-off, work with Washington, D.C. attorneys using the Small Tooth Sawfish as a vehicle due to the endangered habitat and being put on the endangered species

list, should file a law suit, City Attorney advised that a meeting with the ACOE would be within 35 days, huge inequity in funds spent in this area, farmers of land get decision priorities rather than fisherman, priority given to wildlife species and habitat south of Lake Okeechobee, need to protect Big Cypress, very little of taxpayer money spent north of lake, significant and greater concern protecting wildlife north of the lake, Ms. Zimomra stated there was no commitment to change the course of action, gave reasons they were behind, detailed plan from today to 450 acreage feet of water storage, need to pursue the lawsuit, the only success was the release schedule, July 10th received letter increasing releases by 30%, the only answer was the flow way south, farming interest, power of the East Coast, asked that Council allow Vice Mayor Denham to continue to work with Mr. Cuyler and the Washington, D.C. attorneys, comment made by a member of SFWMD Board that it was easy to put water south, letters from Councilman Jennings to Senator Nelson and Congressman Mack, called Senator Nelson and Congressman Mack's office and no need to speak with Governor Crist.

Updates regarding the Oil Spill – Deep Water Horizon

Status report regarding City efforts

Status report regarding Volunteer Coastal Watch Training

Ms. Zimomra spoke to the Volunteer Coastal Watch Program.

- Volunteers taking BP internet course
- Further window of exposure
- City Manager participating in the News Press Editorial Board

Discussion and staff recommendation regarding Special Events Permits for fund raising car washes on Sanibel

Ms. Zimomra spoke to the following:

- Several requests for car washes
- Natural Department staff concerns of car wash run-off to a storm sewer that goes to wetlands or estuary
- Not consistent when trying to keep water clean
- Car washed held at the Sanibel School were exempt

Dr. Loflin spoke to the following:

- Putting water in to a water body that does not meet state standards, i.e. Sanibel River

Vice Mayor Denham moved, seconded by Councilman Jennings, to discontinue permitting car washes on island due to water quality.

Public Comment

None

The motion carried

COMMITTEES, BOARDS, COMMISSION

a. City Council Liaison to Planning Commission - ***REVISED***

July 27, 2010	Vice Mayor Denham	Report of 7/20/10 CC Meeting
August 10, 2010	Councilmember Pappas	Report of 8/3/10 CC Meeting
August 24, 2010	Councilmember Jennings	
September 14, 2010	Councilmember Harrity	Report of 9/11/10 CC Meeting
September 28, 2010	Mayor Ruane	Report of 9/21/10 CC Meeting

October 12, 2010 October 26, 2010	Vice Mayor Denham Councilmember Pappas	Report of 10/5/10 CC Meeting
November 09, 2010 November 23, 2010	Councilmember Jennings Councilman Harrity	Report of 11/2/10 CC Meeting
December 14, 2010 December 28, 2010	Mayor Ruane Vice Mayor Denham	Report of 12/7/10 CC Meeting

Councilman Pappas asked that Mayor Ruane fill in as liaison on the August 10 Planning Commission meeting. Mayor Ruane agreed.

Discussion ensued regarding talking with Chairman Mike Valiquette regarding Ms. Storjohann comments regarding setbacks as it relates to re-development.

Councilman Jennings left at 2:12 p.m.

Resort Housing District Redevelopment Study reporting schedule to City Council from the Planning Commission

- Tuesday, September 21, 2010
- Tuesday, November 02, 2010
- Tuesday, January 04, 2011
- Tuesday, March 01, 2011
- Tuesday, May 03, 2011
- Tuesday, July 19, 2011

CITY MANAGER

Informational Items

Appointments and advertising for the Board of Trustees Municipal Police Officers' Retirement Trust Fund

Ms. Zimomra noted that one member asked not to be re-appointed. She further stated no interviews would not be scheduled for re-appointments and noted that Council may want to recruit for the open seat.

Horizon Council's Industry Appreciation Luncheon Friday, September 17, 2010 - \$45 per person

Ms. Zimomra stated that participation had been downsized, but the Mayor's appearance was free.

Invitation from Lee County to participate in the Sanibel Toll Plaza Bike Path Project ribbon cutting ceremony Wednesday, August 18, 2010, 11:00 a.m.

Ms. Zimomra noted that if any Councilmember wanted to attend the above to advise the City Clerk.

Causeway counts, May, 2010

Ms. Zimomra noted that there was an increase.

**Building Department Monthly Revenue Report
Building Department Monthly Permit and Inspections
Planning Department Permit Activity Report
Planning Department Code Enforcement Activity Report**

Ms. Zimomra noted strong numbers from the Building and Planning Departments

LCEC Corrective Action Plan

Ms. Zimomra spoke to the increase presence of LCEC on island, as well as submitting a corrective plan. She further advised that there would be a link from the City's website to LCEC when there was a power outage.

Notification from Insurance Services Office (ISO) regarding Building Code Effectiveness Grading Schedule Classification Results

Ms. Zimomra noted the following:

- Largest point lose was on staffing
- Appealing the notice; 90 days to respond
- Reduction in mailings due to funding
- Appeal rating with 90 days to submit a corrective plan
- No negative effect on insurance

Public Comment

Karen Storjohann asked if there was the ability to use part-time employees and volunteers.

Ms. Zimomra stated that only full-time employees could be accounted for and the challenge was due to the use of part-time employees and volunteers not counted.

BUDGET

Mayor Ruane spoke to the following:

- Economy struggling
- 2nd half of 2010 not as robust as the 1st half
- Real estate value decreasing
- Down 6.6% in tax revenue
- Continue to pay down debt
- Continue to make prudent decisions
- Decrease in bed tax

Ms. Zimomra spoke to the following:

- Council provided input
- Proposed budget provided 3 major threats; 1) oil; 2) potential algae risk; and 3) relative risk of hurricane or tropical storm exposure
- Establishing a preliminary millage rate
- Budget at the rolled-back rate
- Budget shows a \$6.2 million in reserves
- Today \$152,134 reserves spent
- Debt payment 4.8% paid
- Continue to downsize by attrition
- 2007 142 and 2010 122 employees
- Employee salaries flat
- Furloughs for management employees
- 15% reduction in lifeguard salaries
- Small increase in guest recreation membership
- Beach parking fund \$100,000 to be utilized for lighthouse restoration
- Included capital dollars
- Provided previous year carry-overs
- 2 capital projects on hold
- Discussion to maximize low bidding

- Recommendation from Police Department and Public Works to take a project out of long-term projects
- Special session convening and agenda item final sales tax revenue
- Scheduled a special magistrate regarding union negotiations

Discussion ensued regarding no additional debt reduction, Ms. Zimomra stated that would be addressed on September 11th, budget calls for salaries being flat, what about health care, Ms. Zimomra stated bids received by current carrier, but additional bids are out and due August 16th, budget created with health care numbers flat, trend regarding amount of money carried forward, concern spending too much today with prices decreasing, preliminary millage rate of 2.3204 millage rate, adhere to or going below 2.1561 mills, collected tax dollars should remain flat, citizens should receive relief, if 2.3204 adopted real estate reduction would not be passed to property owners, the property values have gone down by 6.674, some believe that the business of Florida was farming or tourism, the real business was real estate, lead story in 4 countries visited was the oil disaster, have not sacrificed infrastructure with budget decrease, support budget as is presented, same rate as last year collection would be \$700,000 less.

Public Comment

David Bath spoke to not reviewing the budget. He suggested having a budget update on August 03 City Council meeting and the critical issue was salaries, staffing and the pension plans.

Wayne Ponader spoke to not receiving the budget.

Ms. Zimomra noted that the budget calendar had been placed under the City Manager's Report several times.

Due to problems with the audio there is nothing from 2:57 p.m. to 3:00 p.m.

Discussion ensued regarding the ability to obtain the budget,

Capital Projects Update

Ms. Zimomra stated that Council may want to bring back on August 03

Status of Capital Projects and Updates

Defer until August 03 City Council meeting.

Staff update on Blind Pass shared use path extension

Insurance Issues and Request – Policy Direction to Staff

Discussion of Staff recommendation to cancel flood insurance for the Wulfert Plant Generator building which is not considered critical to recovery operations in the event of a severe weather emergency (flood insurance for this building is increasing by \$8,000 a year due to FEMA flood map zone changes which raised the Sanibel base flood elevation scale) and approval to eliminate flood insurance for public restrooms built to flood-resistant standards

Mayor Ruane spoke to accepting staff recommendations.

Mayor Ruane moved, seconded by Vice Mayor Denham, to cancel flood insurance for the Wulfert Plan generator building.

Public Comment

None

The motion carried. Councilman Jennings was absent.

Memorandum regarding a \$15,000 donation from a Sanibel resident for web-streaming

Deferred until 0803

FY11 Budget Budget Calendar

City Council draft Goals

Deferred until 0803

Distribution of FY11 Budget

RESOLUTION 10-073 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 2010 AND TENTATIVE BUDGET FOR THE CITY OF SANIBEL 2010-11 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 10-073.

Mayor Ruane moved, seconded by Councilman Harrity, to adopt Resolution 10-073 and fill in the blanks as Section 1 item a. 2.3204 millage rate, Item C. Proposed aggregate millage rate 2.3204, and page 2 Section 2 proposed aggregate taxes levied exclusive of voted debt service levies \$9,766,082.

Public Comment

None

The motion carried. Councilman Jennings was absent.

Council recessed at 3:10 p.m.

Council reconvened at 3.23 p.m.

Council decided to discuss the below.

- j. Award City Hall roof replacement contract to Advanced Roofing and Sheet Metal in the amount of \$233,290.00 and authorize the City Manager to execute same

Deferred until August 03, 2010.

CITY ATTORNEY'S REPORT

None

COUNCIL MEMBERS' REPORT

Attendance to the Florida Management Insurance Trust Board meeting

Mayor Ruane reported he attended as a board member and there was a consensus to raise health insurance rates by 10% based on actuary recommendation.

Attendance at South Florida Water Management District (SFWMD) meetings in West Palm Beach

Vice Mayor Denham suggest attending the monthly SFWMD meetings.

Council agreed.

Councilman Pappas stated that there was no reliable capping instrument to take care of the oil spill. He further stated that the government needed to mandate the latest technology to have a fail safe in place for oil blow out, which was used in the rest of the world. He further spoke to Sanibel using the open harvest permit to allow a trapper to take dangerous alligators and any other alligator over four feet.

Ms. Zimomra explained that the state gave two choices; 1) state would come in and manage a plan; or 2) open harvest, which was a more restricted program. She continued to explain the significant number of takings after the third attack and second fatality and depending how the call was made to the trapper. She explained the challenge was the lead time of when the call was made and the trapper responded. She further explained that a trapper comes to Sanibel only after the Police Department evaluates the situation.

Councilman Jennings appointment to the FLC 2010 Resolutions Committee

No discussion

Attendance to the Florida League of Cities (FLC) August 19 thru August 21, 2010 in Hollywood, Florida

Not action taken.

PUBLIC COMMENT

Karen Storjohann asked what the cost would be to replace the mikes. She spoke being an increasing concern.

Ms. Zimomra advised that it was brought to Council and the decision was not to replace the mikes.

Claudia Burns applauded Vice Mayor Denham's legal plan to save the estuary. She also spoke to the estuaries named healthy in the past 10 years. She mentioned the issue of allowing additional docks to be built and the moratorium of building docks.

There being no further business that meeting was adjourned at 3:35 p. m.

Respectfully submitted by,

Pamela Smith, MMC

Sanibel City Clerk