

7. **CONSENT AGENDA**

- a. Approval of minutes – July 20, 2010 Regular meeting and August 03, 2010 regular meeting

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

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.

Pubic 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

**SANIBEL CITY COUNCIL REGULAR MEETING
AUGUST 03, 2010**

Mayor Ruane called the meeting to order at 9:07 a.m.

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

Mayor Ruane noted that staff requested an item be added to the agenda as follows due to time sensitivity:

Approval of an agreement between the City of Sanibel and U.S. Fish and Wildlife Service for cost-sharing to provide seedlings, saplings and re-sprouts of Brazilian pepper and other exotic plants from J. N. "Ding" Darling National Wildlife Refuge and authorize the City manager to execute same

Vice Mayor Denham moved, seconded by Councilman Harrity, to add the above-mentioned to the Consent Agenda.

The motion carried.

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

Vice Mayor Denham spoke to his meeting with Chairman Valiquette and Jimmy Jordan, Planning Director as directed by City Council.

Council decided to hear the report later.

Public Comments

Claudia Burns requested that City Council authorize \$1,000 funding, as had been previously allocated in past years for printing another 25,000 alligator coloring books, which have been updated since the last printing.

Ms. Zimomra advised that there was no money in the current budget, but if Council directed a budget amendment could be added to the September 11, 2010 City Council agenda for consideration.

Discussion ensued regarding adding the item to the September 11th City Council meeting agenda, who gives out the coloring book, Ms. Burns answered that the Chamber of Commerce hands out most books, with help from J. N. "Ding Darling" Wildlife Refuge.

Council decided to add the above-mentioned item to the September 11, 2010 agenda.

Trish Dorn spoke to the following regarding the LCEC corrective action plan:

- Increased coverage 24/7
- 2 cameras at the water crossing are working waiting for 2 more
- Accelerated tree trimming
- Completed a visual inspection
- Additional automation and completion date by November 1st
- Link to LCEC on City website for better communication
- Working with a 3rd party to evaluate the island
- LCEC distributing \$7.7 million dollars
- \$9,505.36 rebate check presented to the City

Chris Grant spoke to a vote by Representative Aubuchon and Senator Richter regarding the constitutional amendment on the oil issue.

Discussion ensued regarding Council advised that a resolution was adopted against oil drilling and the closet elected officials vote.

Ed Seibert spoke to the vote of not forwarding an amendment to Florida residents for no oil drilling off Florida shores.

Council Comments

Vice Mayor Denham asked a review of the audio system.

Ms. Zimomra noted that a full report would be given at the September 11, 2010 Council meeting

Request for City Council to consider a Proclamation to be presented at a future City Council meeting to the Boy Scouts of America, Inc., commemorating the Centennial Celebration July 26, 2010 through July 30, 2010

Councilman Jennings requested that a proclamation recognizing The Boys Scouts of America, Inc., and commemorating their centennial celebration. He also added he would like to invite their representatives to a future Council meeting for the presentation.

Vice Mayor Denham moved, seconded by Councilman Jennings, to present a proclamation to the Boy Scouts of America, Inc.

The motion carried.

Councilman Jennings agreed that water testing should be done and send the bill for water testing to BP.

Ms. Zimomra noted that Dr. Loflin would be before Council on other issues and requested Council's indulgence on a report of water testing.

Mayor Ruane spoke to his distribution of newspaper articles regarding the economy.

Discussion ensued regarding continuing discussion on deflation and the economy.

Second Reading and Public Reading

ORDINANCE 10-009 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 CATEGORY OF "MEMBER GUEST RATES - INDIVIDUAL"; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 10-009. She added that Council had been briefed with a memo in the agenda packet. She also noted that a survey of private and public facilities was done, as well as decreasing lifeguard salaries. She noted the only change was the fee for member-guest rate.

Councilman Harrity moved, seconded by Vice Mayor Denham, to adopt Ordinance 10-009.

Public Comment

None

The motion carried.

CONSENT AGENDA

Staff requested item (c) and (e) be pulled for discussion.

- c. Approval of a Lease Agreement between the City of Sanibel and Local Roots, LLC D/B/A Sanibel Island Farmers' Market for use of City Hall property for an open air farmers' market during specified hours on Sundays from November 1, 2010 through April 30, 2011 and authorize the City Manager to execute same

Ms. Zimomra noted that Jean Baer and Betsy Ventura would be requesting an amendment to the map.

Ms. Bear requested that a portion of additional land be blocked off for a pedestrian walk through the Library side.

Vice Mayor Denham moved, seconded by Councilman Harrity, to approve the lease and stated amendments to the map.

Public Comment

None

The motion carried.

- e. Award Dixie Beach Boulevard Improvements – Phase 2 contract to Southwest Utility Systems, Inc., in the amount of \$160,000 and authorize the City Manager to execute the same AND **RESOLUTION 10-081 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2010-036 AND PROVIDING AN EFFECTIVE DATE** (to budget and appropriate \$160,000 from the Dixie Beach Blvd. fund from ending fund balance to pipe existing ditches, widen/relocate shared use path, resurface roadway and testing. This amendment does not increase or decrease the FY10 budget)

Mr. Gates Castle, Public Works Director spoke to the contract amount was incorrect and should read \$146,685.

Ms. Zimomra read the title of Resolution 10-081.

Vice Mayor Denham moved, seconded by Councilman Harrity to approve the contract and adopt Resolution 10-081.

Public Comment

None.

The motion carried.

- a. Approval of a Proclamation for the Horizon Council Industry Appreciation Luncheon September 13 through September 17, 2010 to be presented Friday, September 17th
- b. Approve the engagement letter with LarsonAllen, LLP for auditing services for fiscal year ending September 30, 2010 in the amount of \$55,500 and authorize the City Manager to execute same (funds to be included in the fiscal year 2010-2011 proposed budget)

- d. Approval of an expenditure for an emergency repair at Lift Station #6 located on Sand Castle Road near Bailey Road with an estimate cost of \$85,757 (sufficient funds available in the FY10 adopted budget in the Sewer line item Fund 450)
- f. Approval of an agreement with Chase Paymentech as the merchant processor for the new beach parking machines and authorize the City Manager to execute same (this project is funded in the Beach Parking Enterprise Fund within the FY10 adopted budget; no new funds allocated within the SY10 adopted budget; Estimated annual normal processing fee costs of \$600. Additional costs may be incurred if transaction occurs: for voice authorization (\$0.65 per item); for charge backs (\$10.00 per item). MasterCard and Visa interchange rates apply as a percentage of transaction volume and will be passed through at cost. Interchange rates are set by MasterCard and Visa.

Councilman Jennings moved, seconded by Vice Mayor Denham, to approve the above-mentioned Consent Agenda items.

Public Comment
None

The motion carried

- g. **RESOLUTION 10-080 AUTHORIZING THE CITY MANAGER TO DISPOSE OF AN OBSOLETE OR SURPLUS FIXED ASSET; AND PROVIDING AN EFFECTIVE DATE** (Public Works mowers)

Ms. Zimomra read the title of Resolution 10-080.

Vice Mayor Denham moved, seconded by Councilman Harrity, to adopt Resolution 10-080.

Public Comment
None

The motion carried.

Council recessed at 9:42 a.m.

Council reconvened at 9:54 a.m.

Mayor Ruane asked that the Planning Commission Report be given.

Planning Commission Report

Commissioner Holly Smith gave the following report of the July 27, 2010 Planning Commission meeting:

- Four variances that include 1) re-build on a non-conforming site; 2) build outside the 3 dimensional outline; 3) build beyond the habitual living area; 4) have a greater than the pre-disaster; 5) increase the gross living square footage; 5) go above the angle of light
- Located at 114/116 Sea Grape Lane
- Build outside foot-print

She explained the property as follows:

- No verified damage from Hurricane Charley
- Verified damaged from Hurricane Wilma
- Request to rebuild duplex on a non-conforming site
- Build outside footprint

- Building could be built back within the existing footprint
- Approved a six-month extension to permit
- Property the first dealing with buildback after a disaster
- Planning Department staff worked diligently to cover all avenues
- August 24 Planning Commission meeting canceled

Discussion ensued regarding that the actual vote was 4 against, but 2 to approve, Mr. Cuyler stated that the jurisdiction lies with the Department Director and approval of the 6-month extension, Mr. Cuyler spoke to the first issue with buildback, but the issue was owner thought it would look better as requested, 35 years ago home rule established and land set aside for non-development, 2006 previous council created a buildback ordinance, the buildback ordinance very liberal, non-conforming property given the opportunity for buildback, but asked for further perpetual non-conformity, shocked over the newspaper article, baseline created and granted all that was possible, Mr. Cuyler cautioned that the appeal time limit had not expired, he further cautioned that Council should verbalize no conclusion, think what would happen if re-development was patterned after the buildback ordinance, Commissioner Smith stated the property in question had many issues and was the first time before the Planning Commission, build back a learning process, buildback ordinance was ground breaking legislation, Ms. Smith noted that there was no consideration that the 4 requested variances be granted and only discussion, and next Land Development Code subcommittee meeting was August 24th .

Tom Krekel stated it was noted that the Planning Department staff had discussion with the applicant and did not approve the plans submitted. He advised it was a quasi-judicial hearing and members were trying to find a way for the property to be use.

Vice Mayor Denham spoke to the following:

- Met with Planning Chairman Valiquette and Planning Director Jordan
- First issue discussed was density and should meet Council direction
- Code amendment to allow short-term rental occupancy to maintain same density
- Maximum amount of impervious surface in place with non-conforming property, and increase coverage by allowing mitigation
- Should provide Planning Commission direction regarding acceptable mitigation
- Height restrictions – may need further discussion and more specificity
- Setbacks – recommendation of no change
- Maximum number of units recommendation – may not fully understand and explained that it would be more inline if buildings were split
- Space for recreation area – Planning Commission concerns and need more work
- Asked for a matrix explaining the current LDC and proposed amendments

Public Comment

Karen Storjohann asked if density could be restricted for properties existing on a specific date in the Resort Housing District without affecting the Burt Harris Act by surrounding properties or properties that were outside the resort housing district that were currently hotels/motels.

Mr. Cuyler answered that he did not believe that Burt Harris contemplates what happens to other properties and had to be an ordinance that inordinately burdens a property for that property owner to have a Burt Harris claim.

Holly Smith asked for a copying of Vice Mayor Denham's hand written notes.

WATER QUALITY

- h. Approval of an agreement between the City of Sanibel and U.S. Fish and Wildlife Service for cost-sharing to provide seedlings, saplings and re-sprouts of**

Brazilian pepper and other exotic plants from J. N. “Ding” Darling National Wildlife Refuge and authorize the City manager to execute same

Dr. Loflin stated that staff was advised this morning of the need for completion by August 6. He further stated the agreement was for \$38,800 and assisted the City’s pepper program.

Discussion ensued regarding the grant was a matching grant, Dr. Loflin stated that in-kind match would be included in the FY11 budget and would be used to remove Brazilian pepper off wildlife land.

Councilman Harrity moved, seconded by Mayor Ruane, to approve the above item.

Public Comment

None

The motion carried.

Response from Representative Bill Heller, District 52 July 12, 2010 for sending Resolution 10-062 supporting SFWMD US Sugar land acquisition

Mayor Ruane called Council’s attention to the response in the agenda packet.

Staff update and impact regarding purchase of conservation easements on 26,000 acres of wild ranch land in the northern swath of the Florida Everglades for \$89 million

Dr. Loflin spoke to the following:

- US Department of Agriculture announced a contract with landowners with Fisheating Creek landowners
- Acquisition in the form of a conservation easement
- Deduct a loss of development that might have happened
- Current land use continues (cattle ranching)
- Improve wetlands
- Improve wildlife habitat
- Eventual inches taken of Lake Okeechobee

Update on Lake Okeechobee freshwater releases

Dr. Loflin spoke to the following:

- Excessive releases for an extended period of time
- ACOE felt there would be a problem if releases not made
- Urged not to release
- Damage to estuary
- ACOE back to normal releases
- Back to measuring a Franklin locks – S-79

Vice Mayor Denham spoke to the following:

- Inequities between the east and west coast
- Memo provided by James Evans and Rae Ann Wessel
- Meeting with Commissioner Judah, John Fermo, Attorney and Kurt Hercolode for agreement with community issues
- Support of work with ACOE and Washington, D.C. attorneys
- Financial inequity
- Have an on-going progress with ACOE

Response from Senator Nelson dated July 22, 2010 regarding a letter from Councilman Jennings on Lake Okeechobee freshwater releases

Mayor called attention to Senator Nelson's response and the work done by Councilman Jennings.

Councilman Jennings spoke to a group effort in working toward the Lake Okeechobee freshwater releases. He further spoke to re-educating government officials. He also spoke to a boat trip with SCCF, and Diana McGee from Senator Nelson office to look at the water sensors.

Dr. Loflin spoke to:

- DEP tested for hydrocarbons in the bay areas
- Fish & Wildlife Conservation Agency have tested off-shore north of Sanibel
- Concern of hydrocarbons in the water
- EAP study showed that the dispersant was no more toxic than the oil itself in lab testing
- People working in the northern gulf not comfortable feeding seafood to own families
- Gap in the knowledge what the status of the dispersant or the oil mixture

OLD BUSINESS

Update regarding Insurance Services Office (ISO) Building Department Rating and Establishment of Timeframe for Re-Evaluation Plan

Ms. Zimomra spoke to the letter included in the agenda packet of written notification that staff had until September 9 for an appeal.

Discussion ensued regarding downgrading insurance on Sanibel, 6 ingredients in the downgrade, challenges when reducing staff, and trying to be more efficient.

Public Comment

Chris Heidrick spoke to the difference in a 2 rating to a 3 rating had very little insurance impact.

BUDGET

Capital Projects Update

Request for Direction from City Council regarding status of Capital Projects

Staff update on Sanibel Captiva Road Shared Use Path extension from Pine Avenue to Blind Pass Bridge

Staff update and recommendation regarding Intersection Improvements

Center4Life Roof

Ms. Zimomra spoke to the 5-year CIP a planning document:

- No final decisions until Tuesday, September 21, 2010
- 1st budget hearing Saturday, September 11, 2010
- Need general direction and met with Councilmember's
- Continued with routine maintenance
- Prepare matrixes; 1) routine maintenance continued; 2) shows the non-routine maintenance projects
- Summary of routine maintenance and keeping up with schedule
- Matrix that shows non-routine maintenance and status of projections
- Tarpon Bay Road project on hold due to the economy with staff recommendation for engineering
- Need direction for intersection improvements
- Direction for Center4Life project and roof recommendation

Discussion ensued regarding discussion of the draft budget and the high amount being carried forward for CIP, process of capital projects, which projects more , shared u se path at Dixie Beach Boulevard from Bunting to Albatross was put on hold, but activated with an estimate of \$255,000 and low bidder \$146,000,

would like to activate the shared use path widening at Rabbit Road and the Tarpon Bay Road improvements from Island Inn Road to Sanibel-Captiva Road, Mr. Castle noted permitting was needed, self imposed hold of Rabbit Rd and Tarpon Bay projects, need easements for Tarpon Bay from post office, Mr. Castle explained concept, process, areas surveys, pull permits, go through the public bidding process and Council awards bids, takes 6 months from beginning to end projects before awarding contracts, previous discussion on deflation, large amount of carry-forward funds, what is needed to shorten the process, project priorities 1) Dixie Beach project from Bunting to Albatross first priority and approved by Council earlier; 2) shared use path widening at Rabbit Road and permitting would be the issue; and 3) Tarpon Bay Road improvements from Island Inn Road to Sanibel-Captiva Road would be the priorities, need to finalize plans and get permitting, self-imposed holds on Rabbit Road and Tarpon Bay, would not begin these 3 projects this fiscal year, surveying money would be spent during the FY 09-10, need further discussion of process, need to move forward with projects, Ms. Zimomra stated funds were allocated, more dollars available due to projects bidding lower, staff waited to receive information regarding property values before requesting Council approval, put projects on hold, notifying Council that now is the time and there would be lead time for permitting, design, bidding and engineering, allocate funds and based on process projects do not move as quickly as in corporate America, and Mr. Castle stated that a construction schedule was developed and hope to have project completed within one fiscal year.

Mr. Castle spoke to needing Council direction and explained the process:

- Initial concept dictated by shared use master plan
- Prepare a construction plan
- Area surveyed to determine right-of-ways
- Permitting
- Public bid process
- Council award
- Construction phase
- Normal time frame – 6 months
- Council took action earlier today was the Dixie Beach and reactivated the project and the low bid was \$146,000
- Would like to re-activate the Tarpons Bay with easement issues
- Re-active the project to widen the Rabbit Road shared use path

Discussion ensued regarding concerned of process, enormous amount of carry forward and little spent in previous budget, concern that if approved why funds not spent, should move to complete projects, projects previously set-up in the CIP, Ms. Zimomra stated there were projects put on hold and the 5-year plan was also before Council, use Center4Life for city purposes and if the center was to be used a roof was needed, and Recreation Center used by Senior residents.

Mayor Ruane moved, seconded by Councilman Harrity, to proceed with all projects for FY 10, move forward and allocate funds for 2010 to proceed with CIP projects within budget and be prepared to review further for FY11 and accept staff recommendation to delete the intersection/roundabout and decide some time later regarding a roof for the Center4life.

Public Comment

None

The motion carried.

Follow-up to City Council request for Summary of General Obligation Debt Summary – Ad Valorem Tax

Ms. Zimomra stated a summary was included in the agenda packet.

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

Discussion ensued regarding on-going obligation once a grant is accepted, appreciate a resident generosity, making accessible, gift does not imply a continuation, population of off-island residents, have to search through audio, reasonable service, no costs, best technology, Ms. Zimomra noted that bidding would be done and additional work to be done, would like additional information brought back at a future meeting, and write a thank you letter for the gift.

Councilman Jennings moved, seconded by Councilman Pappas to review and go forward

Councilman Pappas withdrew his second.

Discussion ensued regarding the need for software, not prepared for an on-going obligation, Punta Gorda had software, intention was to open Council meetings, seasonal community, trial to see if it would work, no obligation to go forward after one year, ask staff to provide more information.

Other

None

Discussion and direction to staff to 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

Mayor Ruane spoke to there being no warrantee for this project.

Mr. Castle spoke to the following:

- No warrant a roof located within a ½ mile of a saltwater body
- Only roof warranted would be a painted aluminum roof and require a 20 year manufacturing warranty
- Sent information to engineer
- Require a 20-year warranty from manufacturer

Discussion ensued regarding many roofs being aluminum and workmanship greater, uplift improved, and staff did not recommend a roof with no warranty.

Vice Mayor Denham moved, seconded by Councilman Harrity, to bring back at the September 11th City Council meeting and direct staff to supply more information.

Public Comment

None

The motion carried.

COMMITTEES, BOARDS, COMMISSION

City Council Liaison to Planning Commission - *REVISED*

August 10, 2010	Mayor Ruane	Report of 8/3/10 CC Meeting
August 24, 2010	Councilmember Jennings	Meeting Canceled
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	Vice Mayor Denham	Report of 10/5/10 CC Meeting

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

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

NEW BUSINESS

Sanibel Codes regarding Entertainment Licensing

Mayor Ruane spoke to the memorandum in the agenda packet from the City Manager regarding the need to update the code as it applies to issuing entertainment licenses. stated that staff request direction.

Mayor Ruane moved, seconded by Councilman Harrity, to direct staff to bring back legislation regarding entertainment licensing and a 90-day temporary suspension on issuing said license giving staff appropriate time to bring back draft legislation for Council consideration.

Public Comment
 None

The motion carried.

CITY MANAGER

Informational Items

Investments Reports

June 30, 2010 Summary of City Investments from Burgess Chambers & Associates, Inc.

July 23, 2010 Investment Manager Report from Integrity Fixed Income Management, LLC

Included in packet

Hurricane Preparedness Update

Ms. Zimomra spoke to new requirements for FEMA to include GPS notations in the hurricane plan.

Causeway counts June, 2010

Ms. Zimomra noted the Causeway numbers included in the agenda packet

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

3rd Quarter City Financial Statement

Ms. Zimomra noted the information was in packet and staff was continuing to show fiscal restraint.

CITY ATTORNEY'S REPORT

Discussion and request for direction relating to property owners' request for an ordinance change for boat docks currently prohibited in the Bay Beach Zone between Lighthouse and Dixie Beach Road

Mr. Cuyler spoke to the following:

- Dock prohibition in the Bay Beach Zone
- Mr. Steve Hartsell representing several homeowners wishing the prohibition be lifted
- Appropriate to begin discussion at the Planning Commission level
- Began process and continued to research issue and contact outside legal counsel
- Stopped Planning Commission process
- Spoke to Council individually
- Mr. Hartsell spoke to City Council
- Options; 1) Decide legislation was proper; 2) not change is appropriate; 3) to decision today
- Need to review any proposed legislation
- Direction from Council requested

Mayor Ruane moved, seconded by Councilman Harrity, to move the Executive Session to 12:30 p.m.

The motion carried.

Mr. Hartsell spoke to the following:

- Land Development Code Section 126-96 and adopted by Ordinance 93-18 prohibits docks in the Bay Beach Zone
- Appreciate Mr. Cuyler's handling of issue
- 7 owners request regulations be amended to allow docks
- Dock restrictions in place 1985 before the 1993 exception put in place
- Distinguish between reasonable regulations or taking of property rights
- Restriction from Lighthouse Park to Dixie Beach Boulevard
- 16 lots on San Carlos Bay and 15 lots built after 1993
- 11 other docks exist within the exception area
- City built a dock with 4 slips, one used by Natural Resources Department
- Boats had no restriction of activity
- 85% of seagrass gone and only a small strip of seagrass along San Carlos Bay that exist from 1993
- Unfair to small group of people and bear the responsibility of protecting seagrass
- Ordinance intended to be a reasonable regulation rather than an unconstitutional taking of property
- If the City takes away riparian rights it would be like not allowing a drive way into someone property
- Regulations applied to applications
- 4-years inverse condemnation do not apply, but does not start until an application was denied
- 1993 the ordinance was clearly a taking of property right without compensation
- Ask ordinance be amended and allow docks under the process of conditional use application
- Ask that Council continue with reviewing the regulation
- Seagrass and other environmental issues must be addressed when building a dock

Discussion ensued regarding City Attorney did the correct thing in advising Council, unfair for the City to take a position that would cost a property owner, 1993 a purpose expressed for prohibition, prohibition continues to exist, still may be methods of installing docks without disturbing whatever needed protection, would there be an environmental injury, Bernie Lubetkin, engineer and built docks made a compelling

argument that it would destroy seagrasses, agree to allow build docks if seagrasses not impaired, Mr. Cuyler gave 3 options 1) change ordinance and removal of prohibition subject to public hearings; 2) decide no change appropriate; and 3) to indicate no decision against/for and direct Planning Commission to continue to evaluate an amendment, does the seagrass problem still exist and was there a taking, does the 4-year limitation kick in and how many of the original owners, Mr. Hartsell stated the conditional use permitting process in place with over 20 restrictions to avoid adverse impacts, seagrass only compelling argument, not received that conditions exists today on seagrass, ethical problem that something was taken away from property owners, and need compelling information.

Mayor Ruane moved, seconded by Councilman Pappas, to proceed by indicating no decision for or against and direct the Planning Commission to evaluate the code, amend as necessary and send back to City Council.

Discussion ensued regarding releases from Lake Okeechobee and the destruction of seagrasses due to the freshwater releases.

The motion carried.

COUNCIL MEMBERS' REPORT

Mayor Ruane spoke to individual Council meetings with Sanibel Community Association (SCA) representatives regarding a potential exchange of land. He further spoke to the consequences of the proposed land swap was due to the possibility of having to refund grant monies since the land acquisition and park development was through a FRDAP grant. He also noted that SCA representatives added the request would be withdrawn if FRDAP monies would need to be refunded. He continued to say that Council needed to direct staff to bring the item back for consideration if there when no repercussions.

Discussion ensued regarding refunding FRDAP monies, Community Park speaks to community and family, other potential problems, such as crossing the street, Council not interested in taking additional costs, land swap not in the best interest of residents and SCA may be required to pay the grant monies back to the state.

Councilman Pappas ask for clarification of the Sunshine Law and why Planning Commissioners leave the room when one or more were in attendance at a Council meeting.

Mr. Cuyler explained that sometimes when members leave the room a member may not want attendance to be misconstrued and would provide a memorandum.

Mayor Ruane moved, seconded by Councilman Harrity, to direct staff and look at the potential cost by unraveling the grants for a proposed land swap.

The motion carried.

Mayor Ruane spoke to Steve Maxwell coming before Council and request information and address at the next Council meeting.

Councilman Jennings spoke to changing the project value of receiving a building permit to \$1,250 from \$750, which would give residents more flexibility.

Vice Mayor Denham mentioned that Secretary Mike Sole had resigned.

Mayor Ruane announced that Council would be going in to Executive Session as stated below:

Council recessed at 12:38 p.m.

EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS. In attendance shall be only the following persons:

**Mayor Kevin Ruane Vice Mayor Mick Denham
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), via telephone
Michael Tierney, Actuary, Actuarial Concepts (by phone)**

Council reconvened into open session 1:36 p.m.

Ms. Zimomra recommended scheduling a Closed Session on Thursday, September 16 at 2:00 p.m. regarding Union Negotiations.

Discussion ensued regarding the reason for September 16th

Councilman Pappas moved, seconded by Councilman Jennings, to schedule a Special Council meeting to hold an Executive Session regarding union negotiations.

The motion carried.

Mr. Cuyler noted that the meeting would begin in open session and after the Closed Session ended Council would convene back in to open session before adjourning.

There being no further business the meeting adjourned at 1339 p.m.

Respectfully submitted,

Pamela Smith, MMC
City Clerk