

**SANIBEL CITY COUNCIL REGULAR MEETING
OCTOBER 16, 2007**

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

Meet and Greet Senator Saunders

Mayor Denham noted that Senator Saunders cancelled his visit due to an extension of a Special Legislative Session.

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

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

PRESENTATION(S)

Employee of the Quarter, 4th Quarter, FY 2006-2007

Mayor Denham recognized Bert Gomez as Employee of the Quarter.

**Proclamation proclaiming October 23-31 as Red Ribbon Week supporting a
Coalition for a Drug Free Southwest Florida**

Mayor Denham read the proclamation and stated it would be presented at the Red Ribbon Luncheon October 30, 2007.

Senator Burt Saunders

Senator Saunders was unable to attend the Council meeting due to an extension of a Special Legislative Session.

Public Comments

Hazel Schuller spoke to the beach carrying capacity.

Ann Yarnall spoke to the City Manager's increase in salary.

Council Comments

Councilman Jennings spoke to Congress Jewelers receiving an award from the Horizon Council. He further stated that he would like to see a proclamation presented.

Councilman Pappas spoke to the issue of the City Manager's salary increase and judgment of Council.

Second Reading and Public Hearing

**ORDINANCE 07-014 ESTABLISHING MEMBERSHIP FEES FOR THE CITY
OF SANIBEL RECREATION CENTER; AND PROVIDING AN EFFECTIVE
DATE**

Council did not discuss at this time due to advertised public hearing of 10:45 a. m.

CONSENT AGENDA

Councilman Pappas requested that Consent Agenda items (c), (d), (e), (k) and (l) be pulled for discussion.

Councilman Pappas spoke to the following:

- Item (c) smart decision to award to Canoe Adventures, Inc.

- Item (d) - Received a letter from dog owners to come before Council in 2 weeks therefore holding this item until such discussion was held by Council and would funds preclude something for dogs
- Item (e) – not overdoing plantings

Gates Castle, Public Works Director spoke to the bid components for Community Park, which came to Council early in 2007. He further stated that there was an open field that could be utilized for dogs.

Ms. Zimomra noted that the City obtained a grant for development and the second grant was to fund elements. She further stated the open space was used by C. R. O. W., Lions and other clubs for community things. He explained that the Master Plan showed the land being used in the way proposed.

Discussion ensued regarding repaying grants if not used as proposed purpose.

Discussion ensued regarding plantings and Mr. Castle showed a site map of proposed plantings to Council with possibly smaller plants.

- c. Award 2008 Sanibel River Clearing contract to Canoe Adventures, Inc., in the amount of \$90,000 as sole source vendor.
- d. Award Community Park Site Improvements contract to Grounds by Greenways, Inc., in the amount of \$96,212 and authorize the City Manager to execute same
- e. Award Community Park Restroom Pavilion contract to Norstar Construction, Inc., in the amount of \$ 169,500 and authorize the City Manager to execute same
- k. **RESOLUTION 07-145 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-009 AND PROVIDING AN EFFECTIVE DATE** (to transfer \$45,000 from the General Fund Contingency Reserve plus \$85,000 carry forward of beginning fund balance appropriated in FY 2007 by BA # 07-096, to provide funding to Lee County pursuant to the final estimates from the contractor for the work on Sextant Drive. This budget amendment increases the budget by \$130,000. However, no new or additional funds are being appropriated by this amendment. The General Fund contingency reserve is reduced by \$227,533 by this amendment.)

Ms Zimomra read the title of Resolution 07-145.

Discussion ensued regarding Lee County not funding the project, and Mr. Castle stated that Lee County was paying for the County portion.

Vice Mayor Johnston made a motion, seconded by Councilman Pappas, to adopt Resolution 07-145.

The motion carried.

- l. **RESOLUTION 07-146 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-010 AND PROVIDING AN EFFECTIVE DATE** (to transfer \$65,000 from the General Fund for Environmental initiatives to the Environmental Defense Fund for fertilizer education program including producing video, dvd, printing and mailing costs. This amendment increases the budget by \$65,000. However, no new or additional funds are being appropriated by this amendment. The General Fund Reserve for Environmental initiatives is reduced to \$1,054,420 by this amendment)

Ms. Zimomra read the title of Resolution 07-146.

Discussion ensued regarding the educational campaign and Ms. Zimomra stated that under water quality Council would preview the video, but the budget amendment would fund the educational campaign.

- a. Request by Island Seniors, Inc., for consideration to waive fees associated with their Special Events Application for the annual Senior Bazaar at historical levels
- b. Consideration to waive Special Events Application cone and barricade equipment rental fees at historical levels in the amount of \$90.00 for Baileyfest October 21, 2007
- f. Award ADA Improvements – Tarpon Bay Road and Gulfside Park Restrooms contract to Norstar Construction, Inc., in the amount of \$123,472 and authorize the City Manager to execute same
- g. Accept South Florida Water Management District (SFWMD) Water Savings Incentive Program Grant in the amount of \$25,000 for reimbursement to customers who connect to the reuse water system and authorize the City Manager to execute same
- n. Acceptance of a TDC grant in the amount of \$845,000 for Beach Maintenance and authorize the City Manager to execute same
- o. Acceptance of a TDC grant in the amount of \$30,000 for Beach Erosion Monitoring and authorize the City Manager to execute same
- p. Acceptance of a TDC grant in the amount of \$30,000 for Water Quality Monitoring – San Carlos Bay and authorize the City Manager to execute same
- q. Acceptance of a TDC grant in the amount of \$100,000 for a Family Restroom Facility at Bowman’s Beach Park and authorize the City Manager to execute same
- r. Acceptance of a TDC grant in the amount of \$145,000 for Restroom Improvements at Turner Beach and authorize the City Manager to execute same
- s. Acceptance of a TDC grant in the amount of \$21,000 for Beach Access Improvements and authorize the City Manager to execute same
- t. Acceptance of a TDC grant in the amount of \$74,830 for the Caloosahatchee River Water Quality Observatory and authorize the City Manager to execute same
- v. Award Periwinkle Way Native Planting Areas 8 and 16 contract to the Sanibel-Captiva Conservation Foundation’s Native Plant Nursery in the amount of \$43,912
- c. Award 2008 Sanibel River Clearing contract to Canoe Adventures, Inc., in the amount of \$90,000 as sole source vendor.
- d. Award Community Park Site Improvements contract to Grounds by Greenways, Inc., in the amount of \$96,212 and authorize the City Manager to execute same
- e. Award Community Park Restroom Pavilion contract to Norstar Construction, Inc., in the amount of \$ 169,500 and authorize the City Manager to execute same

Vice Mayor Johnston made a motion, seconded by Councilman Ruane, to approve the above-mentioned items.

The motion carried.

- h. **RESOLUTION 07-142 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-005 AND PROVIDING AN EFFECTIVE DATE** (to roll-forward TDC grant #402062 in the amount of \$90,000 for the renovation of restrooms at the chamber of commerce. This grant was originally awarded by the TDC in FY06. This amendment increases FY08 revenue and expense by \$90,000; however no new or additional funds are being appropriated by this amendment)
- i. **RESOLUTION 07-143 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-007 AND PROVIDING AN EFFECTIVE DATE** (to roll-forward from FY07 to FY08: 1) \$15,000 of unspent funds in the Public Works Department for the thermoplastic striping; 2) \$89,130 of unspent funds at the Donax plant for paving of Starling Way and Caloosa (\$35,000) and inflow and improvements \$54,130); 3) \$33,000 of unspent funds in the sewer capital improvement program for a sewer jetter; This amendment increases General Fund budget by \$15,000 and Sewer Fund budget by \$122,130)
- j. **RESOLUTION 07-144 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-008 AND PROVIDING AN EFFECTIVE DATE** (to move \$1,040 from the General Fund reserve for contingency expense line to the Legislative Department to cover a grant of \$539.70 to Lee County Human Services and \$500 to START, per Council action on 10/2/07. This amendment does not increase FY08 expense)
- m. **RESOLUTION 07-147 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-011 AND PROVIDING AN EFFECTIVE DATE** (to roll-forward \$22,720 in the General Fund to re-encumber PO# 700202 (\$17,720) and PO # 700308 (\$5,000) for Iguana and Lizard eradication programs, respectively. To roll-forward in the Capital Acquisition Fund \$146,992 to re-encumber PO #700086 for Positron mobile dispatch project (\$140,497) and PO #700098 for the integrated license plate photo system (\$6,495) and for 3-replacement patrol cars (\$89,000). This amendment increases the budget by \$258,712. However, no new or additional funds are being appropriated by this amendment.)
- u. **RESOLUTION 07-141 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-006 AND PROVIDING AN EFFECTIVE DATE** (to transfer \$31,427 from the General Fund reserves for contingency expense line to the Administrative Department to cover wage and benefit adjustment for the City Manager per Council action on 10/2/07. The General Fund contingency reserve is reduced to \$243,573 by this amendment)
- w. **RESOLUTION 07-148 APPROVING BUDGET AMENDMENT/TRANSER NO. 2008-012 AND PROVIDING AN EFFECTIVE DATE** (1) to roll-forward \$2,500 in the General Fund to re-encumber PO#700280 for the evaluation of the City Hall phone system. (2) to roll-forward \$60,898 in the Capital acquisition Fund to re-encumber PO# 600202 (\$19,500) PO# 700302 (\$18,542) and PO# 700303 (22,856) for the AM radio emergency notification project, the additional Positron software licenses and the upgrade and installation of additional copies of Positron in the police department, respectively; and (3) to roll-forward \$134,348 in the Beach Parking Fund to re-encumber PO# 700205 for the camera video system for Lighthouse Park. This amendment increases the FY 2008 budget by \$197,746. There are no new or additional funds appropriated by this amendment)

Ms. Zimomra read the titles of the above-mentioned resolutions.

Councilman Ruane made a motion, seconded by Councilman Jennings, to adopt Resolutions 07-141, 07-142, 07-143, 07-147, 07-148, and the above-mentioned Consent Agenda items.

The motion carried.

Council recessed at 9:35 a. m.

Council reconvened at 9:45 a. m.

Second Reading and Public Hearing

ORDINANCE 07-014 ESTABLISHING MEMBERSHIP FEES FOR THE CITY OF SANIBEL RECREATION CENTER; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 07-014.

Mr. Cuyler stated the blank for a corporate fee would be deleted.

Public Comment

None.

Councilman Jennings made a motion, seconded by Councilman Ruane, to adopt Ordinance 07-014 as amended above.

The motion carried.

OLD BUSINESS

Water Quality Issues

Reports from City Council members

Vice Mayor Johnston spoke to Colonel Grosskruger's tenure and the need to send letters in support.

Discussion ensued regarding sending letters, make copies for the League of Cities Board of Directors, and Council agreed, and could Resolution 07-123 be amended.

Mr. Cuyler answered yes and he would bring it back to Council later in the meeting.

Mayor Denham spoke to a discussion at the Lee County Board of Commissioners regarding fertilizer and Holly Downing, Natural Resources Department would be reading a statement from the City. He further spoke to the resolution adopted by the Regional Planning Council for waste water run-off and discussions on-going for costs of implementation to secure funds of modifications of processes. He also spoke to resolutions for package treatment plants and storm water issues that would be coming before the Regional Planning Council.

Staff Reports

Status of beach closing due to Enterococcus Bacteria and subsequent steps City of Sanibel Calls on Florida DEP and Lee County Health Department to "Leave no Stone Unturned" in Identifying Sources of Beach Pollution Test Results

November 2006 Sanibel Bayous DEP Inspection Report

August 2007 DEP Sanibel Bayous Consent Agreement

Sanibel Bayous Sewer System Conditions Assessment by RJN Group

Ms. Zimomra spoke to the following:

- Past beach closings
- Bowman's Beach recent closing
- Increase in bacteria closing Blind Pass
- Council authorize a SFWMD grant
- Receiving significant press

- Contacted DEP for compliance
- Natural Resources Department conduct testing with a significant bacteria at Calm Bayou south
- Healthy Beach Program charges Lee County Health Department to test and close, if necessary
- 5,000 gallons per day discharge regulated by DEP
- Smaller entities regulated by Health Department
- Picked-up first part of a public records requests from DEP
- No way to prove where bacteria was coming through, but could look into plants remaining in compliance
- Monday the Health Department re-tested the beaches and would announce today (Tuesday) of further/continued closings
- Bowman's Beach closed for 3 weeks

Discussion ensued regarding DEP all over the issue and searching out violations, problems with jurisdictional issues on water problems, if water was impacted around the island the City should be notified of violations, omission by media that only 2 beaches were closed not all, use current laws, complimented staff efforts, legislative options, everyone on island (Captiva/Sanibel) should be placed on central sewer system, Sanibel Bayous concerns, Ms. Zimomra spoke to:

- City purchase plant
- Authorize study of collection system
- Numerous lots undeveloped
- Last package plant on Sanibel
- \$35,000 grant from SFWMD for Sanibel Bayous collection system, staff found a spike of bacteria around plant, deficiency shows a collection system of root intrusion

Mr. Cuyler spoke to:

- Sanibel Bayous a Public Service Commission (PSC) regulated facility
- Sanibel Bayous within the territorial jurisdiction of the City
- PSC licenses the facility and control such things as rates, authority to operate and various other things
- DEP state arm for law enforcement
- Discussion in past to acquire the plant
- Acquisition had not been considered viable

Discussion ensued regarding further discussions to acquire Sanibel Bayou package plant, where bacteria was coming from, Mr. Cuyler stated staff sees the need for acquisition, future planning was to acquire the plant, and the need to continue to explore all options.

Ms. Zimomra stated Council's direction was pursuing the Sanibel Plan and the goal was for the plant soon than later not to operate independently.

Public Comment:

Barbara Cooley spoke to testing private beaches, package plants such as Gulf Pines and Sea Oates were tested by property owners, Sanibel Bayous property owner's responsibility to fix the package plant problems and how the plant could operate since 2002 without a permit and staff had not been talking publicly.

Hazel Schuller asked if Ding Darling was on a septic system.

Ms. Zimomra answered Ding Darling did hook-up to the City system.

Dr. John Harries spoke to continued testing without solutions and e-coli could be traced. He also spoke to contamination from Captiva.

Erick Lindblad, Executive Director of SFFC spoke to Captiva being interested in hooking-up to Sanibel sewer and an issue of opposition was that sewer would increase density.

Ms. Zimomra stated the challenge was who speaks for Captiva and controlling density.

Mike Valiquette, Chairman PURRE spoke to future meetings with State and Federal officials regarding water quality. He further spoke to Total Maximum Daily Load (TMDL).

Fertilizer Control Status of Lee County Fertilizer Ordinance

Mayor Denham spoke to the upcoming Lee County fertilizer ordinance.

Preview of Water Quality “Be Wise If You Fertilize” video

Merribeth Farnum spoke to and showed the educational video.

Council commented on how good the video was for educational purposes, and asked that a copy be sent to Lee County Board of Commissioners.

Ms. Zimomra stated that staff would be contacting Comcast to play on the Sanibel channel, Vegetation Committee would have an educational program and the video would be mailed to all property owners.

Mayor Denham made a motion, seconded by Vice Mayor Johnston, approve the education video.

The motion carried.

Public Comment

Claudia Burns asked if the video would be on the City’s website.

Ms. Zimomra stated that the video would be on the City’s website and H2O Matters.

Phyllis Gresham spoke to doing City site walks.

Council recessed at 10:54 a. m.

Council reconvened at 11:01 a. m.

Update on Algae Management Program

Mayor Denham reiterated that Council decided after testing Council would decide the trigger for picking-up algae from Sanibel beaches.

Discussion ensued regarding testing at different levels.

Ms. Zimomra stated that previous direction was for staff to make the determination for testing.

Councilman Jennings noted he had requested copies for the audience.

Public Comment

Paul Andrews complimented Council on a good job.

Sonia Smith spoke to algae removal.

Dick McNeil spoke to algae removal.

Claudia Burns spoke to algae removal would damage Sanibel beaches.

Mike Valiquette spoke to PURRE mission for water quality health, safety and welfare. He suggested language included in the beach clean-up policy that waters would be check for bacterial level as long as algae was on the beach.

Discussion ensued regarding clean-up October through February 15th, Dr. Loflin stated that February 15 begins Snowy Plovers nesting season and no mechanical method that could be utilized that would allow protection of the nesting shore birds, the Sanibel Plan requires living in harmony with wildlife, activities must be compatible with the nesting season, DEP permit was issue until February 15th, current permit precludes any clean-up up after February 15th, why not clean-up beaches if there were no nesting birds, Dr. Loflin stated that sea turtle nest on all Sanibel beaches with one exception, he spoke to Snowy Plovers nesting more prominently on a certain area of the beach, but could nest in other areas, birds utilize the entire island, develop a plan when algae was on the beach and extremely premature to discuss trigger points for algae clean-up.

Status of TSP Release Schedule

Dr. Loflin spoke to the recent SFWMD meeting and decision.

- Voted to support the ACOE Lake Okeechobee release schedule
- Current schedule was a compromise
- Agricultural interest wanted to stay with (WSE) water supply (old schedule)
- Allowable high end volume would be raised once sections of the dike repaired

Status of C-43 construction

Dr. Loflin stated the following:

- ACOE released the Environmental Impact Statement (EIS)
- Need filter marsh

Mr. Cuyler stated the deadline for the comment period was Monday, October 22nd and Vice Mayor would review the comments.

Council agreed.

Mr. Cuyler spoke to Resolution 07-123 and amending to full rotation of 3 years after the 2009 expiration term date.

RESOLUTION 07-123 STRONGLY ENCOURAGING THE EXTENSION OF COLONEL PAUL L. GROSSKRUGER AS COMMANDER, JACKSONVILLE DISTRICT, U.S. ARMY CORPS OF ENGINEERS BEYOND HIS ANTICIPATED NORMAL ROTATION DATE OF JULY 2009; ENCOURAGING OTHER CITIES IN THE JACKSONVILLE DISTRICT AFFECTED BY LAKE OKEECHOBEE WATER RELEASES TO PROVIDE SIMILAR SUPPORTING DOCUMENTATION; AND PROVIDING AN EFFECTIVE DATE

Mr. Cuyler read the title of Resolution 07-123.

Vice Mayor Johnston made a motion, seconded by Mayor Denham, to direct the City Attorney to amend Resolution 07-123 by including a request to keep Colonel Grosskruger a full rotation beginning 2009 rather than 18 months and to add Assistant Secretary Woodley, General Schrodel and General Van Antwerp fax numbers and emails addresses.

The motion carried.

Council requested staff bring back a resolution supporting releases and spillways.

Public Comment

Karen Storijohann recommended reading "Mirage."

Recreation Center Issues

Staff Status Report and Construction Manager Monthly Report

Ms. Zimomra spoke to the following:

- Council toured the Recreation Center on Saturday
- Temporary CO
- Conducting sneak peek tour of the center

Henry Woodroffe spoke to the following:

- Training for all systems
- Beginning with clean-up
- Pave driveway Wednesday, October 17th

Discussion ensued regarding of sidewalk paving and curb flowing, and the contractor stated if could be reviewed.

Review of December 01, 2007 dedication program

Ms. Zimomra passed out the program and spoke to the dedication program.

Discussion ensued regarding adding comments, should add the staff, move up the Parks and Recreation Committee members and add staff names, Council agreed to add staff names.

Change Order to add 2 digital phones plus installation/programming labor at a cost of \$477.29

Mayor Denham made a motion, seconded by Vice Mayor Johnston, to approve the Change Order.

The motion carried.

Joint City Council/Fort Myers Beach Meeting

Ms. Zimomra stated there was not a day that all 5 Councilmembers were available in November and the City Clerk would poll Council for a December availability.

Council decided to have a joint meeting in December.

Discussion of policy for applications for funding requests from 3rd parties

Mayor Denham made a motion, seconded by Councilman Ruane, to approve the policy.

The motion carried.

Review of staff recommendations for the legislative delegation – Deadline for material submission and register to make a general presentation Thursday, November 15, 2007 at 5:00 p. m. – Lee County Delegation Meeting and Public Hearing Thursday, November 29, 2007 1:00 to 5:30 P. M. Room S-117 Edison College

Discussion ensued regarding Vice Mayor working with staff for an additional water item.

COMMITTEES BOARDS COMMISSION

Appointment of Yvonne D. Hill to the Historical Preservation Committee

Council appointed Ms. Hill to the Historical Preservation Committee.

Vice Mayor Johnston made a motion, seconded by Councilman Ruane, to appoint Yvonne Hill to the Historical Preservation Committee.

The motion carried.

CITY MANAGER

Informational Items

Quarterly Financial Report

Ms. Zimomra called Council's attention the agenda packet information.

Mayor Denham's appointment to the Florida League of Cities Urban Planning Council (responsible for water issues)

Ms. Zimomra noted that Mayor Denham had been appointed to the League of Cities Urban Planning Council as noted in the agenda packet.

Building Department Monthly Revenue Accumulative as of September 30, 2007

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

Department Permits and Inspections Monthly Report

Ms. Zimomra called Council's attention to the agenda packet information.

Development Permit Activity Report for September, 2007 Development Permit Activity 4th Quarter Comparison Chart and Development Permit Activity FY 05-06 and FY 06-07 Comparison Chart

Ms. Zimomra called Council's attention to the agenda packet information.

Code Enforcement Activity Report for September 2007

Ms. Zimomra called Council's attention to the agenda packet information.

Status of Lizard Management Program

Ms. Zimomra called Council's attention to the agenda packet information.

Update Tourism Development Council (TDC)

Ms. Zimomra gave the following report.

- Revenues increased 15% to 20%
- Continued to see increased numbers in hotel/motel beds
- More interest in other municipalities

CITY ATTORNEY'S REPORT

None.

COUNCIL MEMBERS' REPORT

Vice Mayor Johnston reported on attending the Fiscal Council for the Florida League of Cities on Friday, October 12th.

- Would be budget cuts due to funding
- School largely exempted

- Spring session capping all municipal funding sources

Mayor Denham spoke to a recommendation from the Regional Planning Council of a nomination for him to represent the Regional Planning Council on the Northern Everglades Council.

Mayor Denham announced that there would be a joint City Council/Planning Commission meeting.

Councilman Jennings congratulated Mayor Denham and staff information to the legislative delegation was superb.

PUBLIC COMMENT

None.

There being no further business the meeting was adjourned at 12:07 p. m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk