

SANIBEL CITY COUNCIL MEETING APRIL 18, 2006

City Council held a meet and greet for Mr. Pete Milam, Project Manager, Army Corps of Engineer.

Mayor Johnston called the meeting to order.

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

Vice Mayor Denham made a motion, seconded by Councilman Rothman, to excuse Councilman Brown due to recovering from surgery.

Public Comments:

Herb Rubin spoke to the Planning Department providing amendments to the Land Development Code (LDC) regarding Australian Pines and his understanding that any further discussion was scheduled for November, 2006.

Claudia Burns spoke to Councils previous discussion to schedule further discussion on Australian Pines to November, 2006.

Sandy McCartney Aler spoke to the discussion at the Planning Commission meeting May 11 regarding Australian Pines.

Sue Carter also spoke to the Australian pine issue and the need of a bike path on Dunlop Road.

Ed Seiber spoke to Australian Pines, and the 2005 accident at the Causeway construction.

Mayor Johnston asked that any Australian pine be held to the afternoon Council discussion due to the upcoming presentations.

Council Comments.

Vice Mayor Denham spoke to attending the Chamber of Commerce meeting celebrating the work of Director Steve Greenstein and Maureen Valiquette awarded the Citizen of the Year. He also spoke to the Clam/Dinkins Bayou project was a huge success.

Ms. Zimomra stated that the concept was made by Dr. Loflin and spent numerous hours working on the partnerships to fund the project.

Mayor Johnston asked when the delineators would be installed.

Ms. Zimomra noted the delineators had been ordered and hopefully within the week would be installed. She further spoke to the Tarpon Bay Road project. She also stated that staff would be coming to Council May 02 for directions regarding the installation of delineators where the road was contiguous to the Shared Use Path. She explained that on Periwinkle Way there would be 2 short delineators for every tall one in existing areas and delineators would also be installed in areas where there had been none previously.

Councilman Jennings congratulated Maureen Valiquette as the Chamber Citizen of the Year. He requested that staff bring back the cost of putting a live video feed on the Internet for Council meetings within the next month.

Discussion ensued regarding this being a Council goal, and waiting for discussion at the May 02 City Council meeting.

Planning Commission Report:

Mike Valiquette gave a report of the May 11, 2006 Planning Commission meeting as follows:

- Billy Kirkland spoke regarding a mid-term report on segways
- Reviewing the Evaluation Appraisal Report (EAR) report

PRESENTATION(S)

Presentation by Project Manager Pete Milam, U.S. Army Corps of Engineers, regarding the Management of Lake Okeechobee

Mayor Johnston introduced Pete Milam.

He provided the following information:

- Project Manager for the Lake Okeechobee Regulatory Study initiated November, 2005
- Involved with Lake Okeechobee since 1982
- Clewiston office for 10 years 1990 to 2000 overseeing the day-to-day operations of Lake Okeechobee
- WSE schedule took 6 years to go through the process for approval and implementation
- Current WSE schedule approved by December, 2006

PowerPoint presentation as follows:

- Request written and public comment
- Identify performance measures
- Held a public meeting
- Release a draft EIS for public review scheduled for July, 2006
- Will hold another public workshop in May and present water release schedule
- Publish draft EIS
- Hold another public meeting in August, 2006
- Final plan submitted in December, 2006
- Inter-agency Study Team to evaluate alternatives
- Temporary forward pumps to meet the water demand if Lake Okeechobee falls below 10 feet to agricultural canals and municipal use
- Schedule anticipated to use for 3 years
- No structure improvements to canals
- Move water south to conservation areas and waters would need to be treated before releasing
- Existing regulation schedules for WCA and Kissimmee River Chain of Lakes
- Concern of the Herbert Hoover Dike Integrity
- Would use recover performance measures (a group of scientist reviewing the Everglades Restoration Project)
- Calooshatchee Estuary mean monthly flow of 450 cfs to maintain salinity
- 450 to 2800 cfs favorable for suitable salinity conditions in the Calooshatchee Estuary
- Lake Okeechobee Performance measure to maintain the 8 foot navigational depth
- Water control measure to reduce extreme low lake stages below 10 foot elevation and reduce number of extreme high lake stages above elevation of 17 feet
- 11 alternatives total. But would speak to 3 alternatives
- Can not violation EIS protocol; the need to seek pal deviation, which was requested 6 times
- Alternative #1: reshape and lower the line representing the divide between Zone d and Zone E; Apply tributary hydrologic conditions that represent loner term wet or dry conditions that have persisted in the tributaries; Allow base flow when lake Okeechobee water levels are in Zone D or above; Lower supply side management trigger line by 1 foot (use Palmer drought index and replace 30-day net rainfall, 14-day mean net in flow to Lake Okeechobee and replace 14-day mean S-65E flow
- Alternative #2: has 2 lake stage limits; one limit identifies the high elevation of the Lake, for water supply purposes; between these 2 lines the optimal Lake elevation would be established; water release decisions, rate of release and distribution of release, would be based on operational rules to

maintain, as close as possible, the optimal lake elevation, while balancing the estuaries, water conservation areas, water supply, navigation and water flood control objectives

- Alternative #3: re-evaluate Run 22aze, would allow low level releases in Zone E Lake stages of 13.75 to 15.60 to the WCA's only; Zone D narrow, pulse releases could be made to the estuaries for extended periods of time when the stage was rising to avoid larger releases
- Milestone schedules

Questions submitted by the City as follows:

City's request to participate

Agreed upon and the City's representative would be Dr. Loflin.

Modeling and Analysis be provided to stakeholders

Agreed upon.

Study Retrofit of S-77 from Sluice Gates to Weir Gates

Feasibility effort underway, compiling and reviewing previous studies.

Operation of Forward Pumps

SFWMA Action would be operated at Lake Okeechobee elevation of 12 feet navigational level.

Pulse Release or low-level Release

Low-level study releases could be further researched, current research supports pulse release.

Estuarine Salinity Tolerance

Most current knowledge recommends minimum base flow of 450 cfs in the dry season.

C-43 Reservoir (treatment capability)

The scope of C-43 basin study was to evaluate for environmental restoration throughout the entire basin. The study was divided in to 2 phases; 1) phase concentration on the implementation of the C-43 West Reservoir at Berry Groves schedule for completion May, 2007; and 2) currently being developed, restoration recommended for the remainder of the basin were anticipated in 2007.

EAA Reservoirs

31,000 acre reservoirs (2 cells) designed to store 360,000 a/f of water; designed to move 300,000 to 400,000 a/f of Lake Okeechobee releases through system (average annual); construction start 2006 with completion 2011 at a cost of \$912 million.

Modified Waters (Tamiami Trail)

10-mile section of road would be evaluated, with 3 miles of road bridged; construction to start January, 2007 completed December, 2009 and costing 398 million.

Discussion ensued regarding when temporary forward pumps in place, Mr. Milam answered installed when Lake Okeechobee level was 11 feet and remove when the lake recovers, permanent pumps install by 2010, reviewing the current lake output and models to pre-screen alternatives would work in the EIS and analyzed to evaluate performance from 2003, 04 and 05, best for lake best estuary and Mr. Milam answered that if Lake Okeechobee water quality cleaned up and lowered that would be best for the estuary, trying to balance constraints, but was there an ideal level for Lake Okeechobee, and Mr. Milam answered the biology and scientists for wading bids recommend 15.5 feet November to January and 12.5 feet in May to July time frame, alternative # 2 based on biology of Lake Okeechobee, Mr. Milam spoke to the need of a guideline to know what would happen when the lake was lower or higher, Colonel Carpenter wanting the flexibility to make decisions, requesting the plan deviations to change water release schedules, difficulty in modeling, use the matrix dynamic to sale an alternative worth considering, and which model was most accepted, Mr. Milam spoke to showing the mean monthly flow of 450 cubic feet per sec for the Calooshattee, and Mr. Milam spoke to 300 c f/ sec for St. Lucie and no need to know the flow from :ale Okeechobee, the need to know 24/7 cubic feet per second flow from the Calooshattee River, Mr. Milam

stated he would leave a table that would provide some of that information, pulse release would take 97 days to reduce Lake Okeechobee by 1 foot, take water from St. Lucie River basin before it reaches the east and reduce water going to Lake Okeechobee, Mr. Milam spoke to no inter-connect ability to the Kissimmee River and looking for additional storage on the north end of Lake Okeechobee, resolution requesting a component to measure water, monitoring the water and remove the sediments in the water coming into Lake Okeechobee, Mr. Milam answered that there may need to be an additional treatment and storage component qualified by phase #2 alternative, and current C-43 not designed to handle everything, Governor Bush made a call to action to the Army Corps of Engineers, already instituted a water treatment component in the St Lucie River that was working, the need for assurance that the Corps was paying attention to Governor Bush, Mr. Milam answered that he was relaying the message from the C-43 project manager and Corps was reviewing C-43, Lake Okeechobee water quality as far as phosphorus levels were good until stirred up during the 2004/2005 storms, Mr. Milam did not know why there was no STA component to the C-43 study, but felt the Project Manager should be able to answer the question, the Corps could not do anything without a feasibility study for management to acquire federal funds, the retrofitting of a Sluice gate would be costly, able to see the modeling and analysis to be completed in March, 2006, Mr. Milam answered the analysis results should be available the following week, concern of alternative #2 and whom would make the decision, and Mr. Milam answered the district engineer would make the call, time line for Kissimmee Oxbow restoration, and Mr. Milam would find that out, the need the shift from researching problems for the last 20 years and balance the need find solutions, and Mr. Milam answered that during the 40,'s 50's and 60's when the Lake Okeechobee project was funded and the cheapest and fastest solution for drainage control, controlling the tide and was complete for the human quality of life was well received, now Congress regulates required procedures and must be authorized by Congress and funded by Congress, tremendous powerful stakeholders to make certain that water resources were available when needed that sometimes holds up the process, was the CERT program as designed could carry the water needed, Mr. Milam answered stated he was not qualified to answer, and could speak to the CERT senior executive Dennis Duke, Corps and SFWMD responsibility, Mr. Milam answered for Lake Okeechobee the Corp of Engineer responsibility for the water regulation schedule, manage lake for all purposes but the water supply, state water supply authority come into play when lake comes to lowest levels and corps established that elevation and would there be a point in time in the process with the regulations schedules that a graph would be produced of what Lake Okeechobee would have done if the new process was in place, and Mr. Milam answered that the study results would be provided, no improved storage on line, water the Lake receives would need to be moved south first before moved east or west, the intent of the 1940 design was to move water, and the bridges on Tamamia Trail not part of the study.

Public Comment:

Chuck Duworken spoke to the purpose of the study that diversity would be shared, continue to use the record available for climatic conditions that ignored the recent hurricane conditions and the need to factor in any increase in rainfall, and Mr. Milam answered the WSE biased to water supply and managing the Lake a lower elevations there was a higher risk to the water supply to augment the risk and the shared diversity was not the flood people and land, use the same forecasting tools. Mr. Duworken spoke to a dramatic rise in Lake Okeechobee would there be the same releases, and Mr. Milam answered that the same releases would take place if the same climatic conditions appeared.

Mr. Milam stated that he was working toward getting a revised Lake Okeechobee water release in 2006 to be approved for 2007.

Barbara Cooley spoke to no discussion of what happened during a time of drought, need a certain amount of flow during the dry season, pulse release need a better interval between the releases and only 1 time there was an 8 to 10 day interval, concern that water conservation areas being used as reservoir for agricultural needs with no capacity, the need for water treatment design developed for C-43 as the St. Lucie River and the Everglade Restoration Project, the need for more that 1 ETA's. She spoke to Lake Okeechobee safe high level and the need for a flow way and storage capacity.

Karen Storijohan spoke to the sugar industry running ads and possibility growing rice, control the SFWMD and Corps have over point source pollution, and how the charge would be re-worded; and Mr. Milam answered that Corps of Engineers rotation between rice and sugar did happens, would need to have a

regulator answered point source discharges from Lake Okeechobee to the Calooshattee River; the best way to get attention was to stay engaged in the process and provide comments to Congressional representatives and Jacksonville office, the Corps receives direction from the Water Resources Development Act and appropriations language the last one was in 2000.

Rob Jess, J. N. "Ding" Darling Manager asked which alternative reduced the number of high flows, and Mr. Milam answered that was what was being evaluated this week. He further spoke to minimum flows at S-79 (Franklin Lock) and no way to extrapolate the information of impacts, and Mr. Milam answered that there was information of S-79. Mr. Jess stated there needed to be information regarding the impact of water releases at S-79 rather than S-77. Mr. Milam stated that if measurements were made at S-79 there would never be water released from Lake Okeechobee. Mr. Jess spoke to the wilderness area having 90% to 95% of sea grass area had been reduced to between 6% and 8%. Mr. Jess spoke to what constitutes a certain pulse release event giving the estuary the opportunity to, and Mr. Milam stated that he thought there were breaks between the releases. Mr. Jess stated that he was seeing further down river a continuation of events rather than resting intervals and the bottom was not to lose the sea grass beds. Mr. Milam stated that measuring water at S-79 would prevent water releases from Lake Okeechobee.

Mike Valiquette spoke to the need for short term and during the wet season water does not go south, and Mr. Milam answered that if the water basin was wet there was no way for water to go south, was water channeled from wet fields, and Mr. Milam did not know, no water filtration being built within C-43 and if reservoir was built and full where would the water go, and Mr. Milam answered that when the reservoir was full the water would be sent down the river, a flood release discharge the peak flow was captured and when storm water passed the reservoir would be drained to capture the next rain event, was there a study for a south flow way, and Mr. Milam answered that the only study was to get the water to the EAA.

Erick Lindblad spoke to the need of a flow way model and diverting water to the south when the reservoir was full, and Mr. Milam answered stated that Colonel Carpenter the District Manager and Dennis Duke would be the people to hold a discussion. Mr. Lindblad stated that he understood that there was another model created that was easy to understand and lost funding, and Mr. Milam answered that there was a funding issue and the modeling effort was suspended.

Doug Dietrich spoke to the Water Hyacinths Control District not involved and kill aquatic plants, and Mr. Milam answered that he did speak about looking at the possibility of having exotic vegetation versus no vegetation in Lake Okeechobee.

Barbara Cooley spoke to shared adversity and flooding the sugar fields and consider the definition of flooding and there was no comparison of flooding 1-acre sugar cane fields and flooding 1 acre of sea grass beds.

Discussion ensued regarding nothing in the plans that would help Sanibel waters during the upcoming wet season, the need to increase the water flow south, and Mr. Milam answered the alternatives being studied would not be implemented until 2007, but the Corps of Engineers would look at lessons learned and implement the deviations when needed, 3 major estuaries affected, 40% of endangered species being in the Estero Estuary, would the Corps of Engineer reduce Lake Okeechobee below 12.5 feet, and Mr. Milam answered that the Corps of Engineer had a current deviation of level 1 pulse release in Zone D and was currently at 13.5 feet, no further authority to make releases without seeking further deviations, his understanding to give the authority of the operation staff to request to make releases on behalf of the SFWMD to bring Lake Okeechobee water level down, and the need for a commitment to change the paradigm.

Council recessed at 12:07 a. m.

Council reconvened at 12:21 a. m.

Presentation and update on Periwinkle Way Restoration Project Partnership

Ms. Zimomra stated the following:

- Give an update of the Periwinkle Way Restoration Way Partnership Report
- Coordination of Shared Use Path and drainage

Ada Shissler gave the following report:

- Direction to structure the partnership
- Partnership a project of Sanibel Beautification
- Periwinkle Partnership be registered with the State
- Brochure developed and mailed to property owners
- Chamber mailed brochures in newsletters
- SCCF mailed brochures to members
- Brochures placed a different location and on the Sanibel Beautification website
- Brochures at Lions and Rotary Art Fairs
- 288 donors had already given \$135,950
- Pledges outstanding \$20,000
- Obtaining a matching grant from Lee County
- Additional monies available to extend the project to the Lighthouse and grant submitted in September to Lee County for matching funds
- Request Council approve a study and design work for the continuation of the Periwinkle Way Restoration Project from Periwinkle Way intersection to the Lighthouse

Discussion ensued regarding changing the Periwinkle Way intersection and waiting until Council decides what to do with the intersection, should not wait until the Causeway construction project was complete, the need to consider underground power lines, and Ms. Shissler stated she was speaking about the area from the first bridge east to the Lighthouse,

Ms. Zimomra gave the following report:

- Sources of funding – State of Florida Urban Forestry 3 grants limited to trees and total amount \$374,000
- City included in budget \$124, 000 for grant match
- US Department of Economic Development and Horizon Council assisted in obtaining for drainage and Shared Path project \$216,000
- Match needed for the \$216,000 grant and provided by the State in the amount of \$54,000
- Bids for planting of 100% native trees in the public right-of-ways
- First area not planting this year would be on Palm Ridge Road as requested by Council to review if underground lines could be implemented
- Tarpon Bay/Periwinkle Way intersection bid open to shift road closer to 7/11 and project for June and July completed by August
- Tarpon Bay Road provide separation of Shared Use path and drainage improvements across from the Post Office
- Dunlop Road Horizon Grant and in 2007 road would be shifted
- Small area on Periwinkle Way where Ficus trees were destroyed need right-of-way
- Casa Ybel drainage improvements would be made in 2007 through the Horizon grant
- First area for planting along Periwinkle Way at the SCCF land

Discussion ensued regarding using funds from the Periwinkle Way Restoration Project Partnership to increase the size of trees, ad grants would only allow planting of trees of 15 feet in height.

CONSENT AGENDA:

Mayor Johnston noted that staff requested Consent Agenda items (c) and (d) be tabled until the May 02, 2006 City Council meeting. She further stated that staff had sent a memo to Council explaining that there was no need for Consent Agenda item (e) and asked that be deleted from the agenda. Mayor Johnston pulled the January 03, 2006 minutes until May 02 Council meeting.

- c. **RESOLUTION 06-040 AMENDING THE CLASSIFICATION PLAN AND PAY SCHEDULE FOR CITY EMPLOYEES FOR FISCAL YEAR 2005-2006, ADOPTING A JOB DESCRIPTION FOR THE POSITION OF DEPUTY PUBLIC WORKS DIRECTOR; AND PROVIDING AN EFFECTIVE DATE**

- d. **RESOLUTION 06-064 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-057; AND PROVIDING AN EFFECTIVE DATE** [to create a Deputy Public Works Director position for handling all non-construction contracts (consultants, goods and services, etc.), and to serve as design and construction manager on all special projects. The position will be split between the Public Works Department (45%), sewer system (40%) and beach parking (15%). Funding from the reserve for contingency expense line for each respective fund is being reduced to provide funding for this position. With this amendment the General Fund Reserve for Contingency line will be reduced to \$45,438 from its originally adopted amount of \$300,000]

- e. **RESOLUTION 06-043 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-051; AND PROVIDING AN EFFECTIVE DATE** (to transfer \$44,449 from Reserves for 1st Year Recreation Center Contingencies to the Recreation Facility Capital Project Fund to make available funds for special election, advertising, and fill/silt fence expenses incurred)

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to approve Consent Agenda items (f), (j), (k), (l) and (m).

- f. **Renewal of a contract between the City of Sanibel and Goodlette, Coleman and Johnson for special counsel legal services. (Primarily for legal services in the event of the absence of the City Attorney)**

- j. **Request approval of additional Special Event dates for the Sanibel Music Festival at the Sanibel Congregational Church, 2050 Periwinkle Way, to be held March 3, 6, 10, 13, 17, 20 and 24, 2007**

- k. **Accept the ranking of the selection committee and authorize City Manager to enter into contract negotiations with the firm of Coastal Planning and Engineering for providing surveying services for physical monitoring of coastal erosion and accretion**

- l. **Award 2006 Bridge and Box Culvert Repairs Contract (including Periwinkle Way Box Culvert, Lindgren Blvd. Box Culvert, Beach Road Box Culvert, Elinor Way Box Culvert, Casa Ybel Road Box Culvert, Tarpon Bay Road Bridge, Island Inn Road Box Culvert, Bowman's Park Bridge, Periwinkle Way Bridge, Donax Street Bridge, Tarpon Bay Weir, Tarpon Bay Road**

Weir) to C.E.M. Enterprises, Inc. in the amount of \$60,280 and authorize the City Manager to execute the contract

- m. **Award Contract for San-Cap Road Improvements from just west of the Sanibel School to Gulf Pines Drive to Ajax Paving Industries, Inc. in the amount of \$641,556.25 and authorize the City Manager to execute the Contract**

Public Comment:
None.

The motion carried unanimously. Councilman Brown was excused.

- b. **RESOLUTION 06-055 APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF SANIBEL AND LEE COUNTY; PROVIDING FOR THE COUNTY'S FUNDING OF A PORTION OF THE TOTAL CONSTRUCTION COSTS OF THE SANIBEL RECREATION CENTER; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 06-055.

Vice Mayor Denham made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-055.

Public Comment:
None.

The motion carried unanimously. Councilman Brown excused.

- g. **RESOLUTION 06-057 ACKNOWLEDGING THE VOTE OF THE ELECTORS OF THE APRIL 4, 2006 REFERENDUM FOR THE CITY OF SANIBEL, FLORIDA, RELATING TO BOND FINANCING FOR THE SANIBEL RECREATION CENTER; ACKNOWLEDGING THE APPROVAL BY THE ELECTORATE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS NOT EXCEEDING \$8,350,000 BEARING INTEREST RATES NOT EXCEEDING MAXIMUM LEGAL RATE, MATURING WITHIN 30 YEARS FROM ISSUANCE, PLEDGING THE CITY'S FULL FAITH, CREDIT AND UNLIMITED AD VALOREM TAXING POWER TO FINANCE ACQUISITION, EQUIPPING AND CONSTRUCTION OF A COMMUNITY-WIDE RECREATION/ACTIVITY CENTER AND RELATED EQUIPMENT AND INFRASTRUCTURE PURSUANT TO THE CITY'S PARKS AND RECREATION FACILITY MASTER PLAN; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 06-057.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-057.

Public Comment:
None.

The motion carried unanimously. Councilman Brown was excused.

- h. **RESOLUTION 06-058 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-052; AND PROVIDING AN EFFECTIVE DATE** [to appropriate \$36,024 from the Florida Department of Law Enforcement for the C. L. E. A. N. (Combined Law Enforcement Against Narcotics) Task Force move \$20,000 from Reserves for grant matches]

Ms. Zimomra read the title of Resolution 06-058.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-058.

Public Comment:

None.

The motion carried unanimously. Councilman Brown was excused.

- i. **RESOLUTION 06-062 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-035; AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$99,213 from Lee County for the construction of a skate park, per Resolution 01-38 adopted on June 19, 2001 and per the attached Lee County contract 04-05-116, dated June 28, 2005)

Ms. Zimomra read the title of Resolution 06-062.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-062.

Pubic Comment:

None.

The motion carried unanimously. Councilman Brown was excused.

- n. **RESOLUTION 06-063 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-056; AND PROVIDING AN EFFECTIVE DATE** (Funding for San-Cap Road Improvements from just west of the Sanibel School to Gulf Pines Drive to Ajax Paving Industries, Inc. in the amount of \$641,556.25 and authorize the City Manager to execute the Contract)

Ms. Zimomra read the title of Resolution 06-063.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-063.

Public Comment:

None

The motion carried unanimously. Councilman Brown was excused.

- a. **Approval of minutes – January 03, 2006 Regular Meeting, January 31, 2006 Special Meeting, and January 31, 2006 Joint Council/Planning Commission Meeting**

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to approve the January 31, 2006 Special Meeting and January 31, 2006 Joint Council/Planning Commission Meeting as amended by Councilman Jennings and given to the City Clerk.

The motion carried unanimously. Councilman Brown excused.

OLD BUSINESS

Water Quality Issues

Reports on Meetings

Upcoming Meetings and Events
Status of Pending Water Quality Legislation

Discussion ensued regarding tracking legislation.

RESOLUTION 06-060 OF THE CITY OF SANIBEL, FLORIDA, EXPRESSING SUPPORT FOR SENATE BILL 2586, WHICH PROPOSES THE ESTABLISHMENT OF A CALOOSAHATCHEE - ST. LUCIE RIVERS CORRIDOR ADVISORY COUNCIL; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 06-060.

Councilman Jennings made a motion, seconded by Councilman Rothman, to adopt Resolution 06-060.

Public Comment:
None.

The motion carried unanimously. Councilman Brown excused.

RESOLUTION 06-061 OF THE CITY OF SANIBEL, FLORIDA, EXPRESSING SUPPORT FOR THE GULF OF MEXICO ALLIANCE, THE PURPOSE OF WHICH IS TO INCREASE REGIONAL COLLABORATION FOR THE ENHANCEMENT OF THE ECOLOGICAL AND ECONOMIC HEALTH OF THE GULF OF MEXICO; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 06-061.

Councilman Rothman provided a list of officials to mail Resolution 06-061 to after it was signed.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-061.

Public Comment:
None.

The motion carried unanimously. Councilman Brown was excused.

Recent City Generated Water Quality Correspondence

April 7, 2006 Letter to Pete Milam confirming meeting attendance

April 10, 2006 City of Sanibel Comments on Revised Draft Integrated PIR/EIS for EAA Storage Reservoirs

Discussed earlier.

Other

Councilman Rothman recommended a book titled "The Swamp" was a good read.

Council recessed at 1:00 p.m.

Council reconvened at 1:51 p. m.

Council decided to discuss the following:

Status report and direction on alternatives regarding Above-Ground Pool legislation to the Planning Department:

Ms. Zimomra stated that Council had given parameters to draft legislation for Council consideration. She further stated that there were 3 alternatives and if Council approved any one alternative it would not be approving legislation, but language for legislation.

Mr. Bob Duffy spoke to the following:

- Provided 3 alternatives for Council consideration.
- Provided basic background and research information
- Provided Council Resolution 05-106 and a Planning Commission resolution, which was a source for the 3 alternatives
- Provided statistics for permitting activity for the last 6 years relating to accessory pool structures as well as single family dwellings with accessory pool structures
- Alternative 1 the process and procedures presently
- Alternative 3 was a fairly basic alternative utilizing the definition of the pool basin and height that was part of the zoning-in-progress and notice of pendency Council adopted
- Alternative 3 allows pools no higher than 3 feet 6 inches would require a short form application and exceeding 3 feet 6 inches would require a long-form application and a Planning Commission hearing
- Alternative 2 defines maximum height of 7 feet above ground
- Alternative 2 defines maximum height limit that would be equivalent to the base flood elevation in a particular zone
- Clarification of Section 86-43 of the Land Development CODE (LDC) that deals with design and architectural review
- Clarification of landscaping
- Establish a new section 15 of Chapter 126 titled “Elevated Pools”
- Definition the basin size of a pool at 125 square feet and compliance of Section 86-43 was required under specific design guidelines as part of Alternative 2
- New Section 126-1302 would establish thresholds
 - If pool did not exceed 3 feet 6 inches above ground it would remain a short form application and would not include the public notice requirement because staff believes this height could be adequately screen either as an accessory or part of the single family dwelling and very little physical or visual impact on abutting properties or surrounding neighborhood
 - Exceeding 3 feet 6 inches to 7 feet must use effective screening and architectural details could be employed and the mass of the pool would be an issue of light and air and provide notice to abutting property owners and home owners associations and possibly design review based on deed restrictions and covenants
 - Pool higher than 7 feet that would require a long form application and review by the Planning Commission; establish a maximum height varying by flood zone and could not exceed the maximum height established for the base flood elevation, which, could be between 6 and 14 feet in the A zones outside of the V zones, which were the most problematic in terms of waves action and storm surge where base elevation could be in excess of 16 feet
 - Established 4 basic guidelines to help interrupt Section 86-43
 - Requirements to include architectural plans and materials that include extra detailing to ensure continuity between the pool and residential structure
 - Guidelines that deals with the landscaping plan to ensure base screening and interval to the overall site and the overall landscaping plan for the property
 - Properties that fall in the gulf or bay beach zones must comply with architectural plans and underlying ecological zones to maintain, restored or reinforced through the site plan review, design review or landscaping review
 - Pool structure must be sympathetic to the lot area, dimensions and other existing conditions of the site, in terms of roof line, light and air and overall visual and physical continuity
 - Develop standard reporting form to ensure all guidelines were met

Councilman Rothman made a motion to direct the staff to proceed with alternative 2 as follows:

“Revise short form development permit application and review process and procedures for elevated swimming pools that exceed 3 feet 6 inches above grade. The revised procedures will include: notice to respective home owners association and abutting property owners; requirement for submission of a perimeter landscape plan to screen the sides of the elevated swimming pool; and specific design review guidelines and reporting procedures. No elevated pool can be higher than the required base flood elevation without a variance, and delete “Long form applications will be required for elevated pools that exceed 7 feet above grade.”

The motion died with the lack of a second.

Mayor Johnston made a motion, seconded by Vice Mayor Denham, to direct staff to proceed with alternative 2 as follows:

“Revise short form development permit application and review process and procedures for elevated swimming pools that exceed 3 feet 6 inches above grade. The revised procedures will include: notice to respective home owners association and abutting property owners; requirement for submission of a perimeter landscape plan to screen the sides of the elevated swimming pool; and specific design review guidelines and reporting procedures. Long Form Applications will be required for elevated pools that exceed 7 feet above grade. No elevated pool can be higher than the required base flood elevation without a variance.”

Public Comment:

Mike Valiquette spoke to there not being a need for a long form.

Jim Lavelle spoke to supporting alternative 2.

The motion carried unanimously. Councilman Brown was excused.

Mr. Cuyler suggested that Council might want a motion to allow staff to accept applications using alternative 2

Vice Mayor Denham. Made a motion, seconded by Councilman Jennings, to allow staff to begin accepting application using Alternative 2.

The motion carried unanimously. Councilman Brown was excused.

COMMITTEES, BOARDS, COMMISSION

Parks and Recreation Committee Appointments and Correction of Attendance records

Ms. Zimomra stated that staff had provided Council with inaccurate information and wanted to give Council the opportunity to review the new information.

Councilman Jennings made a motion, seconded by Councilman Rothman, to reinstate Marcel Ventura to the Parks and Recreation Committee.

The motion carried unanimously. Councilman Brown was excused.

Vegetation Committee

Time frame for response to Council on low phosphorus fertilizer

Councilman Rothman requested that Council allow the Vegetation Committee more time to respond to Council’s request to study low phosphorus fertilizer.

Council agreed.

Soil testing needs:

Councilman Rothman explained that the recommendation from the Vegetation Committee was to perform some soil testing in order to prepare an accurate report and make a recommendation regarding using low phosphorus fertilizer.

Discussion ensued regarding any legislation brought forward would only improve the soil, Mr. Cuyler stated that his understanding was to allow the Vegetation Committee to make a recommendation to City Council and they would need to know if there was phosphorus in the soil.

Dr. Rob Loflin stated that it would be fairly easy to obtain samples and only costs a few hundred dollars.

Councilman Rothman made a motion, seconded by Councilman Jennings, to allow soil testing.

Public Comment:

None.

The motion carried unanimously. Councilman Brown was excused.

Wildlife Committee:

Suggestion on exotic iguana population

Councilman Rothman asked if the Wildlife Committee could investigate if there was an Iguana population and make recommendations.

Vice Mayor Denham as the Wildlife Committee liaison stated he would take the request to the Wildlife Committee at the next meeting.

NEW BUSINESS:

Direction to Staff regarding a grant application to the U.S. DOT Federal Transit Administration under the Alternative Transportation in Parks and Public Lands Program

Ms. Zimomra called Council's attention to a memorandum from the Planning Director regarding an opportunity to participate in a grant for federal funding of transit dollars to gateway communities.

Mr. Bob Duffy, Planning Director called Council's attention to a grant that would allow the study of alternative transportation that would include a partnership with the Department of Interior, Lee Tran, and J. N. "Ding" Darling Wildlife Refuge. He stated that an application would need to be submitted by May 05. He further stated that the study would be reviewing a circulator between resorts and the refuge. He also spoke to the potential of incorporating in the study researching applications for more than a potential circular. He explained it would be completed in 4 phases with public involvement and the above-mentioned partnership.

Rob Jess, Refuge Manager spoke to the following:

- Increase in vehicles to the island and the refuge
- 1,500 vehicles per day that visit the refuge
- Opportunity for a partnership and a critical component as a gateway community
- Considering the carrying capacity

Steve Myer, Director of Lee Tran spoke to the following:

- US Fish and Wildlife sponsored a forum to discuss public transit
- Authorization for funding a study was approved through Congress
- Opportunity to perform a study

Discussion ensued regarding using a transit system to include Captiva, includes bicycles and water craft, no requirement of matching funds, should be consistent with the Sanibel Plan and Council's Position Statement on the proposed Transit Authority, using electric vehicles, would circular eliminate vehicles in the refuge, Rob Jess answered that closing the refuge to vehicular traffic was a desire and using the tram, who would be the grant applicant and who would write the scope, City should be the grant applicant and Lee Tran and the refuge being the partners, Mr. Duffy stated that Council's direction could be met, and the time frame was very short, Steve Myers stated that Lee County was the designated recipient of Federal Transportation funds, and his staff looked forward to working with the City and the refuge, Carmen Monroy, Lee Tran stated that because Lee County was the applicant it would not exclude anyone, sensitive to Sanibel's wishes, program would work with the community goals, Mr. Cuyler stated that by the application deadline it would be impossible to have an Interlocal Agreement, he further stated that the application could be brought back to Council on May 02, and there could be an Interlocal Agreement after the May 02 Council meeting, possibility of creating an attraction of the island, review the carrying capacity of the refuge, what about infrastructure in developing a transit plan, Rob Jess spoke to having the same discussions, turn the old IWA site as an additional parking lot, takes federal lands as a nexus for the grant, draft explains how the dollars would flow and project management would flow, what kind of agreement would be created between Lee Tran, the Refuge and the City, and Mr. Cuyler stated that he would review the application for inclusion of safeguards.

Public Comment:

Louise Johnson spoke to a past trolley system; do not want to contribute to a more urban atmosphere, and concern that the refuge would use a trolley system rather than allowing vehicles.

Herb Rubin spoke to only allowing a study.

Doug Dietrich spoke to a past traffic study, controlling the effects of off island growth on Sanibel, opportunity for Sanibel, and recommendations by the past Traffic Committee.

Darla Letourneau spoke to this grant application being an opportunity, and using the Shared Use Paths as an alternative transportation system.

Mayor Johnston made a motion, seconded by Vice Mayor Denham, approve the City's involvement with the grant application and bring the completed application back to Council on May 02, submit comments to the City Manager, include in the scope Council and public comments, clarification how the grant funds would be managed between the City, Lee County and Lee Tran, hiring of employees, and what the relationship would be between the partners.

Mr. Duffy stated that the scope would be developed, which would be based upon the Sanibel Plan and there would be collaboration between the partners. He further stated that the scope would address the issues raise during the discussion.

Discussion ensued regarding writing the grant in a way to allow approval, controlling the money being beyond the scope of the grant package, Mr. Cuyler stated that as part of the grant application and the money was awarded an Interlocal Agreement would be adopted.

Carmen Monroy, Lee Tran stated that it was possible to write the grant to allow an Interlocal Agreement between the City and Lee County securing the cooperation of all parties.

Rob Jess stated that this was the first year for this type of grant and needed to apply for grant monies.

The motion carried unanimously. Councilman brown was excused.

Council recessed at 4:09 p.m.

Council reconvened at 4:20 a. m.

CHR Annual Policy Review to the Sanibel City Council and approval of modification to point system

Mike Cuscaden, CHR President gave the following report:

- Annual process
- No rate increase since 1999
- The need for a cost of living increase

Ms. Zimomra stated that a portion of the gross precedes go toward paying off the long-term debt to the City.

Scott Marcela, CHR Director reviewed the following recommendations:

- All rents were to be based on 30% of monthly income with a utility allowance
- Accept the SHIP maximum standards for admissions and continued occupancy eligibility, and maximum rents
- Amend selection points to emphasize essential City of Sanibel workers as determined by the City Administration

He spoke to the need to adopt standard rental levels; eligibility standards was at the low income and affordability off-island was no longer available.

Discussion ensued regarding who were essential City employees. Ms. Zimomra answered that essential employees were Public Works and Police Department as first responders, Mr. Cuyler stated that asked what happened to the rent calculations and Mr. Marcela stated that it would be \$700 per month per year.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to approve the CHR recommendations.

The motion carried unanimously. Councilman Brown as excused.

Ms, Zimomra passed to Council a newspaper article where Nantucket had recently banned formular retailing. She further passed to Council an invitation of a meet and greet reception. She also reminded Council that Rhonda Hege had not provided information to staff as requested. She stated that there was an invitation of the Annual Meeting of the Horizon Council.

CITY MANAGER'S REPORT

Informational items:

General Fund Statement of Revenues, Expenditures and Changes in Fund balance for the six months ended March 31, 2006

Ms. Zimomra called Council's attention to the agenda packet information and the major expenditures that would be upcoming during the remainder of the fiscal year.

2006 Council Liaison List

Ms. Zimomra called Council's attention to the completed list of Council liaisons.

Notification from Comcast of Price Adjustments beginning May, 2006

Ms. Zimomra noted that this information was regarding increase in cable rates.

Staff update on upcoming Business Roundtables

Ms. Zimomra stated that the executive summary would be provided to participates of the roundtables.

Discussion ensued regarding the City Manager meeting with business owners, if Council willing to serve in a role as chair of a table, Planning Department staff also helping to facilitate information, all meetings open to the public with refreshments and the possibility of having a reception for new businesses.

Report on Permit Activity for March 2006

Ms. Zimomra called Council's attention to the permit activity report.

CITY ATTORNEY'S REPORT

Mr. Cuyler cautioned Council to allow the City Manager to know of any attendance to receptions so a notice could be published.

Mr. Cuyler stated that the Washington, D. C. firm was reviewing where the City could participate and make comments to the Army Corps of Engineer. He further stated that the overriding instructions were to file an action whenever instructed to do so by City Council.

Discussion ensued regarding lower Lake Okeechobee, possibility of another strong hurricane season, Mr. Cuyler stated that during a period of 17days the level of Lake Okeechobee went from 17 feet to 12.5 feet, consider the estuary or the sugar farmers the water would be released to the estuaries, CHNEP only meets every 3 months, the water subcommittee meeting for April was cancelled, Mr. Cuyler stated that the Washington D. C. attorneys had requested a CD of today's water discussion, which would be provided.

Discussion ensued regarding receiving appraisal bicycle path easements and Mr. Cuyler stated the appraisal should be courier to the City by the end of the week.

PUBLIC COMMENT

Louise Johnson spoke to the need to act against the water district. She further spoke of the need for an Environmental Defense Fund.

Claudia Burns spoke to her request during the earlier comments.

Karen Storijohan spoke to the earlier water quality discussion.

Discussion ensued regarding making a motion reference a moratorium on pines discussion, Council understood there would be no discussion on Australian pines until November 21, 2006 unless there was a health, safety and welfare, and the City Manager would take care of such pine issues, not allow any committee to have discussion, staff and committees understand that Council had put a moratorium on Australian pines discussion until November, 2006.

Claudia Burns spoke to setting the Australian pines discussion as the first item on Council's agenda for November 21, 2006.

COUNCILMEMBERS' REPORT

Councilman Rothman spoke to his feelings that Council needed to send a strong letter to the SFWMD and Army Corps of Engineers, Council asked Mr. Cuyler to speak with the Washington, D. C. attorneys and share the discussions with each Councilmember. He stated that Law Week Award Luncheon was May 12 and Mayor Johnston would be out of town and noted that he would like to attend.

Council agreed for Councilman Rothman to represent the City.

Mayor Johnson left at 5:12 p.m.

Councilman Jennings noted that the Horizon Council would be holding workshops on workforce housing in May and June.

Councilman Rothman stated that his wife would be having surgery on May 02, 2006 and he would miss the Council meeting.

There being no further business the meeting was adjourned at 5:15 p. m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk