

**SANIBEL CITY COUNCIL MEETING  
MAY 02, 2006**

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

Members present: Mayor Johnston, Vice Mayor Denham, Councilman Brown and Councilman Jennings. Councilman Rothman absent due to illness.

Councilman Jennings gave the Invocation and led in the Invocation and Pledge of Allegiance.

**PRESENTATION(S)**

**Recognizing the Employee of the Quarter**

Mayor Johnston recognized Barbara Dunn, Administrative Secretary to the Police Department. She presented Ms. Dunn with a letter of congratulations.

Vice Mayor Denham made a motion, seconded by Councilman Jennings, to excuse Councilman Rothman.

The motion carried 3-0 with Councilman Brown out of the room.

**Public Comment:**

Wil Compton spoke to the beach walkover being constructed at Seagrape and Buttonwood.

Mr. Cuyler stated that in terms of the process, the process was legal to ascertain information.

Ms. Zimomra stated that staff believes the walkover needs to be built to specifications. She further stated that the bid went to the low bidder.

Claudia Burns spoke to the preservation of Snowy Plovers and showed a short film of nesting Snowy Plovers. She further spoke to the need of the Beach Carrying Capacity. She stated there were 6 nests.

Discussion ensued regarding late storms versus early storms, requesting that WGCU use the short film on the public TV programming, and impacted nest due to water high tide.

Ms. Zimomra asked if SCCF would give permission to post on the City's website and use for employee training.

Jerry Muench spoke to the new delineators on Periwinkle Way and concern that emergency vehicles would have a longer response time due to vehicles not being able to pull onto the Shared Use Path for emergency vehicles to pass. He also spoke to the need to take the Shared Use Path from in front of businesses on Periwinkle Way from Sanibel Steakhouse and CasaYbel. He further spoke to the need to trim vegetation.

Discussion ensued regarding the emergency response time, the need for another emergency unit on the east end of the island, find a way to keep bikers safe and emergency vehicles moving, response by Fire Departments to the Lehigh Acres fire, and the response by Fire Departments to the Rabbit Road fire.

Sue Carter thanked Council for the implementation of the delineators. She further spoke to the need for a standing Budget Committee and recommended that this be implemented.

Louise Johnson spoke to the need to create an environmental defense fund and commence litigation against the Corps of Engineers and SFWMD.

Richard Strong spoke to joining another coalition and bringing people to Sanibel to see the water quality problems on Sanibel.

### **Council Comments.**

Councilman Brown spoke to Mr. Cuyler winning the lawsuit regarding the Gomberg's property and being attacked professionally without cause.

Mr. Cuyler stated that the City was successfully in the lawsuit and if citizens disagree with Council they could file a lawsuit. He further spoke to the appellate decision was made in favor of the City, and the suit was on going when he became employed by Council in 2002.

Vice Mayor Denham spoke to a Community National Day of Prayer Day at the Community Church Thursday, May 4 at 7:30 a. m.

Councilman Jennings asked that staff post a public notice regarding the National Day of Prayer. He further spoke to comments made by Dr. Browder, Lee County School Superintendent regarding Sanibel School being the best school in Florida. He also spoke to the Horizon Council holding Industrial Appreciation Week in September, and having nomination forms for the Business Award. He passed to Council books regarding Lee County demographics. He also provided the book to the Planning Commission and Department Directors. He called Council's attention to some municipal comparisons.

### **Planning Commission Report:**

Patty Sprankle gave the following Planning Commission report for Tuesday, April 25, 2006.

- Segways issues and discussion would take place 18 months from May, 2005
- Discussion regarding a loophole in the code that does not speak to multiple people renting a home at the same time
- Reviewing the Evaluation Appraisal Report – specifically the relationship with Lee County Parks and Recreation regarding the Causeway Islands.
- No left hand turn to Punta Rassa with new Causeway Road configuration
- Discussion of no mention of the Calooshatchee River in the Sanibel Plan
- Sanibel Plan addressed Australian Pines and discussion would take place by Council November 21, 2006

Discussion ensued regarding Council using laptops at Council meetings rather than having paper agendas, the amount of clerical effort it takes to put the agenda packet together, and the need for a future agenda discussion.

### **First Reading:**

**ORDINANCE 06-003 AMENDING THE SANIBEL CODE, PART II, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 ZONING, ARTICLE XIV SUPPLEMENTARY DISTRICT REGULATIONS, BY ADDING A NEW DIVISION ENTITLED ELEVATED SWIMMING POOLS, THAT CONTAINS A NEW SECTION 126-1301 GENERALLY AND A NEW SECTION 126-1302 REQUIREMENTS AND PROCEDURES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 06-003.

Council set the second reading and public reading for Tuesday, May 16, 2006 at 9:30 a. m.

### **CONSENT AGENDA:**

Council pulled Consent Agenda items (h) and (i).

Ms. Zimomra noted that Councilman Jennings gave his changes to the minutes to her and she would pass those onto the City Clerk

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to adopt and approve Consent Agenda items (a), (b), (d), (e), and (f).

The motion carried by consensus.

- a. **Approval of minutes – January 03, 2006 Regular Meeting, March 07, 2006 Regular Meeting, March 09, 2006 Joint City Council/Planning Commission Workshop, March 21, 2006 Regular Meeting, April 04, 2006 Regular Meeting, April 13, 2006 Goal Setting Workshop, and April 18, 2006 Regular Meeting**
- b. **Award Periwinkle Way Drainage contract to Grounds by Greenways, Inc., in the amount of \$22,000 and authorize the City Manager to execute the contract**
- d. **Approval of payment of residents' share of Henderson Road paving through cash in lieu of special assessments**
- e. **Award a two-year beach restroom cleaning contract to Crystal Clean Professional Building Maintenance, Inc., in the amount of \$43,740 per year and authorize the City Manager to execute the contract**
- f. **Award a two-year contract to Crystal Clean Building Maintenance, Inc., for City Hall cleaning in the amount of \$24,600 per year and authorize the City Manager to execute the contract**
- c. **Award contract for Periwinkle Way Improvements from Palm Ridge Road to Tarpon Bay Road to Cougar Contracting Specialties, Inc., in the amount of \$758,141.00 and authorize the City Manager to execute the contract and  
RESOLUTION 06-066 APPROVING BUDGET  
AMENDMENT/TRANSFER NO. 2006-058 AND PROVIDING AN  
EFFECTIVE DATE**
- g. **RESOLUTION 06-065 AUTHORIZING THE CITY MANAGER TO  
DISPOSE OF OBSOLETE OR SURPLUS FIXED ASSETS; AND  
PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of Resolutions 06-066 and 06-065.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Resolutions 06-066 and 06-065.

The motion carried unanimously. Councilman Rothman was excused.

- h. **RESOLUTION 06-040 AMENDING THE CLASSIFICATION PLAN AND  
PAY SCHEDULE FOR CITY EMPLOYEES FOR FISCAL YEAR 2005-**

**2006, ADOPTING A NEW PUBLIC WORKS JOB DESCRIPTION; AND PROVIDING AN EFFECTIVE DATE**

- i. **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)

Ms. Zimomra read the titles of Resolutions 06-040 and 06-064.

Vice Mayor Denham spoke to his concerns and stated he thought this change needed to be made during the budget process. He spoke to the grade of the proposed position, and conclusions of certain projects.

Ms. Zimomra stated that Gates Castle, Public Works agreed to take the responsibility of managing the Utility and Public Works Departments and requested 6 months to evaluate the Utility Department with recommendations of reorganization of both departments for better functionality. She further stated that the organizational chart in the agenda packet was an effort to recognize those projects declining such as construction, as well as those areas of growth, such as maintaining the sewer system. She also stated that it was staff's best effort to put together an organizational structure that met all upcoming demands and plan for the upcoming retirement of the existing Assistant City Engineer slated for August, 2006. She spoke to the difficulty to filling engineering positions and the opportunity to provide upward mobility for an existing employee.

Gates Castle spoke to the following:

- 43 employees including capital project, maintain the sewer plant and maintain streets
- Does not include the engineer firms use as consultants for the Donax Plant expansion
- Involved in both departments to review functions to supply services to residents
- Upcoming retirement of Assistant City Engineer and elimination of the Capital Project Engineer
- Adding 500 sewer customers in Phase 3B
- The need for administrative help which would be filled by the Deputy Public Works Director

Discussion ensued regarding there being 7 employees that work in Public Works Administration, did not realize there would be a position created at a higher pay grade than the Assistant City Engineer retiring in August, Mr. Castle stated there would be savings to the City with the retirement and elimination of the Capital Project Engineer, budget discussion would include a clerk/typist \$19.33 million budget for the Public Works Department combined with the Utility Department, review of the past discussion by Council and understanding that Mr. Castle would take 6 months to review both departments, and the need for a Deputy Public Works Director.

Councilman Brown made a motion, seconded by Councilman Jennings, to adopt Resolution 06-040 and resolution 06-064.

Public Comment:

Sue Carter spoke to her concern regarding funding for the position, considering FTE changes and the need to review during the budget process.

Ms. Zimomra stated the following:

- Contingency Line item was money set aside for unknowns

- Enterprise Fund was a fund that was self sufficient
- Reduction of cost to the General Fund due to charging 15% of cost of the position to Beach Parking
- Sewer portion would be taken from the Sewer Enterprise fund
- \$240,000 the residual from the Contingency Fund line item

Richard Strong spoke to the need for the position.

The motion carried 3-0 with Vice Mayor Denham voting in opposition and Councilman Rothman excused.

Council recessed at 10:38 a. m.

Council reconvened at 10:54 a. m.

## **OLD BUSINESS**

### **Shared Use Paths**

#### **Request to authorize staff to evaluate the safety, cost and traffic implications of an alternative Shared Use Path alignment along Periwinkle Way in front of existing structures from Beach View Golf Course to Casa Ybel (Vice Mayor Denham)**

Vice Mayor Denham spoke to the request noted above:

- Moving the Shared Use Path 8 feet away from the road to put a vegetation barrier to protect pedestrians and bikers
- Combine entry and exit way to businesses
- Possible attractive alternative for businesses

Discussion ensued regarding history of the Shared Use Path in question, most dangerous part of the Shared Use Path system, Mr. Castle stated that stretch of the Shared Use Path had the most accidents, past Council reviewed other alternatives, power lines moved behind the Old Schoolhouse location in preparation of the Shared Use Path being removed behind businesses from the Sanibel Steakhouse to Casa Ybel, past discussion of putting the Shared Use Path on both sides of Periwinkle Way, past Council consensus not practical to move the path 8 feet due to affecting business parking, kept Periwinkle Way path in front because of business request, the need to improve the safety on Periwinkle Way, could add parking behind the businesses with City help, combine common entryways, would bring cyclists and pedestrians closer to businesses, encourage greater safety, if path relocated behind businesses no need to keep path along Periwinkle Way, possibility of Shared Use Path put on the north side, possibly bringing behind Jerry's, large animal run behind Jerry's, the need to increase the width of the Shared use Path, could Periwinkle Way be moved to allow for a larger Shared Use Path, City right-of-way was only 3 feet, the need for road shoulder for emergency vehicular traffic if necessary, and ask staff for more than one solutions.

Gates Castle spoke to the following:

- Bypass path would go through the eminent domain process
- 6 to 9 month time frame for design

Mr. Cuyler spoke to the following:

- Update of appraisals for bypass property
- Brief Council of cost and evaluate
- The need update the adopted resolution
- Send a 30 day letter to send to property owners by statue
- Then file eminent domain under quik take and settle monetary issue subsequently
- Property owner could request a jury trial if they would not accept City's offer
- Quik take could be at least 6 months from the time suit was filed

- Evaluate of alternative was a statute requirement

Discussion ensued regarding past Council voted to moved forward with eminent domain of property, criteria must be health, safety and welfare of residents, property owners and visitors, best interest of the community, and what happened to past Councils vote.

Mr. Cuyler stated there the intent from Council to proceed, and appraisals acquired and Hurricane Charley struck. He stated at this time the appraisals were stale, but would proceed as directed. He further explained that

Discussion ensued regarding if the next step was to look at the appraisals, and Mr. Cuyler stated that due to Hurricane Charley the appraisals became stale and was dropped as a priority; but it was Council intent to proceed; Mr. Cuyler further explained that the resolution previously adopted would need to be reviewed and would need a budget amendment resolution for Council consideration, and widen the path to provide safety.

Public Comment:

Patty Sousa stated a resolution was adopted about 2 weeks before Hurricane Charley. She further stated this was ongoing for approximately 11 years. She also stated that during the budget process Council authorized the City Attorney to get the appraisals up to \$5,000.

Discussion ensued regarding staff coming up with an alternative path would take approximately 1 month, Councilman Jennings recommended continuing discussion in 2 weeks widen the path and remove the danger of the existing path.

Gates Castle spoke to a previous study in the early 90's to do the things Vice Mayor Denham was recommending to combine parking areas and have one driveway serving several businesses and due to other priorities a plan was never devised.

Doug Dietrich spoke to all alternatives evaluated. He spoke to Vice Mayor Denham's proposal as: 1) restricting vision due to a vegetation buffer; 2) minimum setback should be 20 feet rather than 8 feet; 3) requires eminent domain for 14 property versus bypass of eminent domain of 12 properties; 4) businesses would lose parking spaces; 5) vehicular movement would back into shared use path; 6) cost of eminent domain for front properties more expenses than behind properties; 7) delays had cost the City money.

Claudia Burns spoke to no one using the property behind the businesses.

Billy Kirkland spoke in favor of moving the Shared Use Path and concern the movement would affect his business.

Richard Strong spoke to the need for safety and consideration of access to business.

Louise Johnson spoke to the need for completing the bypass on Periwinkle Way.

Councilman Brown made a motion, seconded by Vice Mayor Denham, that City Council move ahead with the bypass, use eminent domain to acquire the necessary properties, and direct public works to design the shared use path.

The motion carried unanimous. Councilman Rothman was excused.

Vice Mayor Denham made a motion, seconded by Councilman Jennings, to look at the current path on Periwinkle Way to find a way to make it safer.

Discussion ensued regarding the path to remain intact, not leaving it intact, making the path safer, would take approximately 2 years for completion of the bypass, could have the ultimate goal of removing the path, make clear that people should have access to businesses, safety in crossing Periwinkle Way, making the

path a safe a possible, add two to three feet if possible, Mayor Johnston asked the motion be amended to ensure safety, access to businesses, and staff should bring back a plan to Council to make the current path safe, review alternatives to delineators, direct staff to review the amount of footage and bring a report back to Council in 30 days.

Mr. Cuyler stated that the 2<sup>nd</sup> whereas in the current resolution would need to be revised, past Council discussed the bypass being an alternative not a replacement, and leave room in the resolution that would be brought back to Council for a decision of replacement or alternative path.

Patty Sousa spoke to the City having a consultant working on the Shared Use Master Plan Study.

Vice Mayor Denham and Councilman Jennings withdrew the motion.

### **Status report from staff regarding installation of flexible delineators along Periwinkle Way**

#### **Direction to staff regarding placement and installation of delineators between Shared Use Path and Tarpon Bay Road**

Ms. Zimomra stated that Council had directed staff to proceed with delineators on all portions where the roadway was contiguous with the roadway and 2 weeks ago staff asked Council to review Tarpon Bay Road for the need for delineators.

Mr. Cuyler stated that in light of the public comment from the Fire District member regarding response time for emergency services. He further spoke to Council on numerous occasions balancing different aspects of public safety such as current discussion of balancing the safety of bicycle riders, delineators, and/or response time for emergency vehicles. He wanted to make certain that Council made an informed decision.

Discussion ensued regarding vehicles could drive over the delineators, 22 feet of pavement on Periwinkle Way, Mr. Castle stated that delineators were normally used on 4 lane roads, Ms. Zimomra stated that delineators were not a typical method used to separate cyclist and the road, but typically used to separate 2 lanes of traffic, post a notice on the north side to use the grass shoulder to pull over, should give the delineators on Periwinkle Way a 6-month trial, Ms. Zimomra stated there was 2 potential phases 1) Shared Use Path on Periwinkle Way from Island Cow past SCA; 2) Tarpon Bay Road, Island Cow relocation for 2007, Huxter's location needed delineators, do a perspective study after the delineators were placed, the need to place delineators on Tarpon Bay Road for safety, Mr. Castle agreed with Council that whatever Council could do to make the Shared Use Path safe should be done and would serve their purpose to separate the Shared Use Path from the roadway, put delineators where needed on Periwinkle Way, and Council consensus was to place delineators where ever safety was a concern, but leave the final decision to the City Manager.

Barbara Cooley spoke to many Cities having bike paths next to the road. She explained that in Paris, France a raised concrete area was between the road and the bike path.

Ms. Zimomra stated the distinction was reviewing the policy versus implementation was the balance of safety issues. She further stated that if Council set the policy direction it was not an inappropriate for staff to balance the 2 and appropriate for Council to make the decision where delineators should be placed where the roadway and the Shared Use Path were contiguous then staff was prepared to implement as fast as possible. She also stated that it was not appropriate to ask staff to make that decision.

Discussion ensued regarding Council's policy to place delineators where safety was a concern, Council decided to direct staff to place delineators on Periwinkle Way and Tarpon Bay, and the administrative decision was for staff to place delineators any place there was a safety concern.

Council recessed at 12:32 p. m.

Council reconvened at 1:45 p. m.

## **Water Quality Issues Reports on Meetings**

### **Dr. Loflin's attendance at the WRAC meeting Wednesday, April 26, 2006**

Discussion ensued regarding the C-43 test pilot project delayed due to a sand issue, Dr. Loflin stated that the test well at Berry Farm ran into sand and structure problems with the underlying aquifer at that location, but overall the area was highly rated.

Dr. Loflin gave the following report:

- ASR program would take 2.5 feet of lake water and the evaluation report not due to 2010 and multiple problems with the proposal
- Deep well injection available already used for treating water IWA water
- Deep well injection system could take 32 million gallons of water per day from well
- Deep well injection system should be accelerated
- Water quality would be better
- 3,000 feet down that eventually goes out to sea (floating aquifer)
- Report out early 2007
- Encourage the deep well injection system

Discussion ensued regarding noting could be done to help the 2006 hurricane season, deep well injection an existing technology, ASR study should be complete by now, not at the test well stage for ASR, only need .5 acre of land to develop injection well systems, install suggested the placement of a pipe in the riverbed, and the problem would be the volume of water, the need to focus on the 2006 hurricane season, fortunate situation was the spring drought, Lake Okeechobee currently at 12.5 feet, discussion last fall regarding water to the south, but in the spring water could be diverted to the canals, and the reason water would not be diverted south (Water Conservation Areas) (WCA) was because of the water quality, Storm Water Treatment Areas (STA) were not doing enough to take enough phosphorus water to meet the standards so water could be sent to the Everglades, water was mandated to be cleaner to go to the Everglades, WCA-3 below the regulation level, but goes in to the Everglades, no standards in water quality for the amount of phosphates that go in to the Calooshattee or was water quality any different than the water that goes to J. N. "Ding" Darling, SFWMD counting on the dilution factor of the Caloosahatchee River.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to direct Mr. Cuyler to bring within 30 days an immediate lawsuit and injunction against the Army Corp of Engineers and SFWMD to stop any Lake Okeechobee water releases into the Calooshattee River.

Discussion ensued regarding those entities that engage in a lawsuit get better treatment and had STA's implemented, 30 days for litigation was to long, Mr. Cuyler arrange briefings within 1 week and have a discussion at the May 16 Council meeting, Councilman Brown asked Mr. Cuyler regarding the time to put together litigation and injunction and Mr. Cuyler stated it would take 3 months, concern that 30 days was the first of June at the beginning of the wet season, water in the past went south, does not go south because of a lawsuit, the need for an emergency deviation plan in place by the Army Corps of Engineers and SFWMD, the need to strengthen the levees, Councilman Jennings stated that he feels there was progress and there was a need to find the Army Corps pf Engineers and SFWMD were wrong, he further stated that the time to be concerned if during the wet season SFWMD and Army Corps of Engineer deviate from 2800 cubic feet per second, Lee County should take the lead, would take a lot of effort and time and it would turn around, there should be an emergency deviation plan in place, no need for a lawsuit if a plan was in place, water releases to the Calooshattee River, progress has been made due to working together, Councilman Jennings sated that he bet he could not get 10 scientist to agreed that the red algae was due to the Lake Okeechobee fresh water releases, response letter from Rhonda Hege, Ft. Myers SFMWD Director gave no solutions to Sanibel, Councilman Jennings suggested taking the recent SFWMD letter and send a letter to governmental representatives with a list of priorities, newspaper article regarding the dams being weak, Carol Wehele stated she would use Rhonda Hege to answer questions from Sanibel, Mr. Cuyler stated that

he advised the D. C. attorneys the need to be ready to file within 60 to 90 days, he further stated that when a lawsuit was prepared or litigation was imminent discussion could take place in an Executive Session, Mr. Cuyler stated this would be major litigation with a major federal agency, Mr. Cuyler also stated that staff was preparing to put Council in a position to file a lawsuit, and Councilman Jennings recommended sending a letter of concerns to Rhonda Hege and everyone at the SFWMD.

Councilman Brown amended his motion, seconded by Vice Mayor Denham, to direct Mr. Cuyler to prepare as soon as possible an immediate lawsuit and injunction against the Army Corp of Engineers and SFWMD to stop any Lake Okeechobee water releases into the Calooshatchee River, have Council briefings sometime during the week of May 08 through May 12, 2006 and direct Mr. Cuyler to bring a report to Council at the May 16 Council meeting, due to the immediate fears for the 2006 season because there was no planned deviation.

Public Comment:

Richard Strong spoke to his concern of a lawsuit at this point.

Claudia Burns spoke to a clear message from Pete Milam if there was a heavy wet season and current lawsuits preventing water from going in other directions.

Councilman Jennings spoke to other lawsuits preventing water from not everywhere else except the Calooshatchee River and a letter needed to address desires. He further stated that the Army Corps of Engineers only followed a manual.

Karen Stori Johan spoke to her agreement with the statement of the Army Corps of Engineer following a manual and spoke to an estuary bed in Iraq within 3 years. She also stated that the manual/orders addressed nothing of preservation.

Bob Fodor spoke to Council needed to authorize a lawsuit.

Louise Johnson spoke to her agreement of a lawsuit and the need for an environmental defense fund. She called Council's attention of an article from "Sports Illustrated" written in 1975/1976 regarding Sanibel.

Sue Carter spoke to a lawsuit with Lee County and a problem might arise that Sanibel might not be at the center of interest or lose its identity.

Barbara Cooley spoke to all public records requests were shared with Lee County attorneys and the PURRE attorney and the need to maintain control of any lawsuit. She stated that the Clean Water Network Florida would be in town and would be meeting with PURRE to share their expertise. She cautioned not to lose sight of the need for a flow way. She also spoke to the immediate short-term problem and Bubba Wade, Chairman of the Water District Board advised that Sanibel would need to sue. She further stated that if water was sent to the south there would be a war from the south and the failure was to fix the problem to the south.

Councilman Jennings asked if there would be litigations if there would be no problems in September and October.

Councilman Jennings made a motion to table further discussion.

The motion died for the lack of a second.

The motion carried 3 to 0 with Councilman Jennings voting in opposition. Councilman Rothman was excused.

Discussion ensued regarding sending a letter of response to SFWMD Rhonda Hege letter, Councilman Jennings asked that the letter stated to ask if the SFWMD was going to continue with the biologist cap

water flow of 2800 cubic feet during the wet season and include other concerns should be noted as in the talking points and ask for a reply before May 16.

Council agreed to the letter and noted it should come from the Mayor.

Discussion ensued regarding the need for an environmental defense fund.

Vice Mayor Denham made a motion, seconded by Councilman Brown, to form a legal Environmental Defense Fund to support the protection of the water environment on Sanibel.

The motion carried 3 to 0 with Councilman Jennings voting in opposition. Councilman Rothman was excused.

## **Upcoming Meetings and Events**

### **Status of Pending Water Quality Legislation**

Ms. Zimomra stated that it was now closing days of the Legislative session.

Discussion ensued regarding sending a list of water quality concerns to legislators and Council asked if Councilman Jennings would formulate a response , and send copy of the letter previously approved.

### **Approval of draft outline of Issue 3 of H2O Matters**

Ms. Zimomra stated that Merribeth Farnum, Farnum and Associates was present and she and Dr. Loflin had worked on the outline in the agenda packet. She further stated the need for another postcard, which would actually be 2 postcards regarding a “Call for Action: of water releases, 1) to the Army Corps of Engineers and 2) the SFWMD.

Discussion ensued regarding a photo of redfish pass,

Merribeth Farnum spoke to the following:

- Call for Action” preparing for a lawsuit
- May be the need for inserts because of 2 postcards
- Send to the Army Corps of Engineer and the new Secretary of Defense

Discussion ensued regarding another point I the newsletter to include short-term solutions and revamping content to prepare for a lawsuit to focus on immediate action, and include something regarding the levy.

### **Other**

None.

## **Recreation and Parks Issues**

### **Recreation Center**

#### **Staff report on project status**

Ms. Zimomra spoke to a past discussion that Council would see the timeline of the project and staff was preceding on schedule.

### **Community Park**

#### **Approval of Final Design and Authorization to Bid**

#### **Memorandum from Parks and Recreation Advisory Committee**

Ms. Zimomra gave the following history:

- City applied and received a grant for the purchase of the property contiguous to SCA
- Applied for phase 2 of the grant, which would allow up to \$200,000, but for every dollar spent there would be a City match in funds

- Budget includes \$200,000 for the match
- Council previously approved obtaining the services of an architect
- Final design of park
- Go out for bids per elements to give Council the opportunity to have a laundry list of elements
- If Council decided not to go forward the previous grant would need to be repaid

Henry Woodroffe, Woodroffe Architects gave the following report:

- Various elements to use the facility
- Provide a elevated pavilion to be used for concerts or for large gatherings and ADA accessible
- Element for younger children, older children, parking, restrooms, shuffleboards, half court
- Include a passive use
- Respite area right off parking area
- All low maintenance facilities

Ms. Zimomra stated staff did meet with Casa Mariposa residents and included their request for the shuffleboard, heard from groups that had already used the property and requested open space, and a vegetative buffer from the road. She further spoke to using vegetation to direct parking.

Discussion ensued regarding area used for parking adjacent to SCA, everything from power line would remain open, parking at SCA, Ms. Zimomra stated that staff met with both neighbors, request for public restrooms, individual rests and about 50 square feet each, pavilion would be approximately 260 feet long and 150 feet wide, would accommodate large events with port-a-johns, could there be a full court, not enough room for a full court, no infringement in to the wetlands, concern by SCA if there was usage the they would lose parking, if there was an event vendors were required to park away from event, provide adequate parking, benched throughout the property for people to rest, do not have a place to read, possible to get power lines underground, and staff meeting with LCEC, and feature area with a garden for people to have a place of solitude.

Public Comment:

Berne Lubetkin asked if there was bike racks.

Mr. Woodroffe stated yes.

Louise Johnston spoke to her agreement to parking. She suggested that area was appropriate for parking.

Discussion ensued regarding SCA concern that SCA parking area would be used during City functions, acquiring SCA, drop part of parking, the need for a parking area, and having handicapped access to go around the park.

Richard Strong spoke to leaving the parking area alone.

Karen Storjohnn spoke to moving the shuffleboard closer to the children's play area to provide more of an open space.

Discussion ensued regarding the amount of money to complete the project, \$400,000 budgeted, would cost more to complete the project, vegetation done in-house, Mr. Woodroffe stated Council could decide priorities, and bids for elements, timeline for receiving bids July/August and break ground in September, met with Sanibel Beautification and design consistent with other projects, and interests in non-profit donations for certain elements.

Councilman Jennings made a motion, a seconded by Vice Mayor Denham, to approve the plan.

The motion carried unanimously. Councilman Rothman was excused.

Susan Bernard asked that Council return to the Recreation Center for a public comment.

Staff asked for clarification regarding parking and Council decided to go forward with parking as was recommended.

## **Roadside City Park**

### **Approval of Final Design and Authorization to Bid**

#### **Memorandum from Parks and Recreation Advisory Committee**

**RESOLUTION 05-056 APPROVING A BUDGET AMENDMENT/TRANSFER NO. 2006-055 AND PROVIDING AN EFFECTIVE DATE** (to appropriate the \$200,000 grant #F4143 from the State Department of Environmental Protection, Florida Recreation Development Assistance Program (FRDAP) and the City's \$200,000 Reserve for Grant Match for the Roadside City Park Development project)

Ms. Zimomra stated that a grant was applied for and awarded. She further stated that this was the site for the first Fire Department and Mosquito Control, which used the property for storage.

Henry Woodroffe, Woodroffe Architects spoke to the following:

- Salvage the existing slab as the previous Fire Department
- Half court
- Restroom Facility
- Viewing overlook element
- Small covered pavilion
- Compatible to other elements
- Intent to leave as much of the vegetation that was currently located on the property

Discussion ensued regarding moving the bike rack to increase the court area, and Mr. Woodroffe stated discussion was to only have a half court.

#### **Public Comment:**

Claudia Burns spoke to a condition of the grant was to remove exotics and Ms. Zimomra answered no.

Louise Johnson spoke to her understanding that the original reason for the park was to give workers a place to eat lunch. She further agreed the need for a restroom and asked why the original cement pad should be left and asked if trees would be removed and Mr. Woodroffe stated that the intent was to shift trees as much as possible.

Claudia Burns spoke a second time and asked if pines would be removed, and Ms. Zimomra answered no because Council put a moratorium on removal of pines.

Bernie Lubetkin spoke to the park would not lessen the cost because there were no structures to remove. He spoke to costing out elements.

Karen Storjohan asked if there was a formula for figuring out handicapped spaces, and Ms. Zimomra stated yes. She stated the toddler play area should be closer to the street. She further spoke to beehives being relocated, and Ms. Zimomra stated that the bees were working bees and not on site all the time.

Discussion ensued regarding moving the toddler area near the picnic pavilion, and Ms. Zimomra spoke to the proximity to the lake and the proximity to the road, concern of the close proximity to the lake, and Mr. Muench spoke to this park being a wildlife exhibit for free, the need for shelters and picnic area, there were no recreation facilities east of Periwinkle Place, the need to have a compromise, City Master Plan was to get to parks by bike or stroller, may have only 1 structure, to many parking spots, the need for a playground for children, more natural open areas, keep buildings and eliminate the basketball court, spent a small

amount of money for half of the arsenic restoration, verify if by removing projects the City would qualify for the grant, and keep the restrooms and larger structure.

Karen Storjohan spoke again regarding keeping the elevated lookout.

Richard Strong spoke a second time to eliminate the basketball court, restrooms and 1 structure.

Louise Johnson spoke a second time regarding keeping parking spaces, and restrooms.

Mr. Woodroffe spoke to due to the grant the need for a play court and leave the slab using it as a play court, Ms. Zimomra stated that staff take Council's suggestions and bring a revised plan to Council May 16, 2006

Claudia Burns spoke a third time regarding using the overlook as an informational/teaching area on alligators.

Council agreed to have a staff report at May 16, 2006.

Bernie Lubetkin spoke to reducing cost and consultant gives a realistic cost estimate.

Ms. Zimomra stated the next step was to bring back a design and cost.

Susan Bernard that Council reconsider phasing construction of the new Recreation Center.

Ms. Zimomra spoke to the following:

- City demolition would begin May 31, 2006
- School would allow school space and use of the pavilion for the After School Program
- Letters out to different facilities for the use of a pool
- No scheduling being based on ceremonial issues
- Council decided to not have construction phasing and save approximately half million dollars not to phase construction

Susan Bernard spoke a second time that the electorate was not given the choice of different plans.

Council recessed at 5:05 p. m.

Council reconvened at 5:17 p. m.

### **Approval of the joint application with Lee Tran and J. N. "Ding" Darling Wildlife Refuge for a U.S. DOT Federal Transit Administration under the Alternative Transportation in Parks and Public Lands Program:**

Ms. Zimomra explained the history regarding this item and comments were sent to the City Manager.

Bob Duffy, Planning Director gave the following report:

- 3 partners (City, Lee Tran and J. N. "Ding" Darling)
- Consistent with the Sanibel Plan
- Allow to study, analyze
- Preserve wildlife habitat
- Unique Opportunity and Carrying Capacity of the island 1 of Council's goals
- Proposal submitted outlines objectives and methodology
- Extend beyond conventionally planning for carrying capacity

Discussion ensued regarding buses coming on the island, and Mr. Duffy stated that there was no decision made, and over a 24-month period alternatives would be determined, Steve Myers, Lee Tran Director spoke

to this being an alternative analysis planning grant, consider a ferry service to and from the island, and Mr. Duffy stated this proposal would focus on island with a task that Council and the community would help staff with identifying, evaluate and rank them, consider within Sanibel's own transportation policy, was it the plan to curtail all vehicular traffic within the refuge due to fisherman carrying equipment, and Rob Jess, Refuge Director stated that in 2002 in a discussion with the City Manager and the carrying capacity of the beaches and the refuge, and the refuge must evaluate the reduction of traffic and conforming to the Sanibel Plan.

**Public Comment:**

Hazel Schuller spoke to providing segway transportation within the refuge and Mr. Jess answered that Billy Kirkland wanted to use segways within the refuge. He further answered that the national policy did not consider segways as a handicapped tool and would not be allowing segway use within the refuge.

Louise Johnson spoke to her concern of removing vehicular traffic from the refuge.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to participate in the grant.

The motion carried unanimously. Councilman Rothman was excused.

**Request to direct staff to evaluate and prepare cost estimates for live Internet broadcast of City Council meeting.**

Councilman Jennings spoke to the need for a live video Internet feed. He further stated that an audio feed would be relatively inexpensive. He also suggested adding video at a later date. He also spoke to the advantage of part-time residents listening to Council meetings.

Council agreed to have a staff report in 4 weeks.

**Review and Prioritization of City Council Goals**

Ms. Zimomra stated she would get something out to Council and asked that they rank them and return for the next Council meeting.

**CITY MANAGER'S REPORT**

**Informational items:**

**Community Housing and Resources Quarterly Financial Statement**

Ms. Zimomra stated that CHR requested it be pulled today and bring back at May 16, 2006.

**Monthly Tourist Development Council (TDC) Industry Report**

Ms. Zimomra called Council's attention to the report in the agenda packet and noteworthy that comparing 2005 to 2006 3.2% decrease in rooms and an additional 6% in Lee County alone.

Discussion ensued regarding TDC reviewing factors that contribute to the decrease.

**Staff report regarding the Tourist Development Council (TDC) meeting of Tuesday, April 18, 2006**

Ms. Zimomra stated that the City was awarded in excess of \$990,000 in grants.

**Staff update on upcoming Business Roundtables**

Ms. Zimomra stated she had received individual comments from Council.

Discussion ensued regarding the Horizon Council meeting on Thursday, June 22, 2006, address what businesses could do for Sanibel.

### **Invitation from Lee County to participate in the planning of the opening ceremonies for the Causeway**

Ms. Zimomra stated that Lee County had contacted City staff to help plan the opening ceremonies for the Causeway.

Discussion ensued regarding Lee County owning the Causeway and decline due to staffing restraints, Lee County holding out an olive branch to the City and Council wanted to be kept apprised of the ceremony plans and Council would like to participate during the ceremonies.

### **Annual update of Hurricane and Emergency Plan Preparedness**

Ms. Zimomra passed to Council the resident hurricane pass mailing.

Chief Tomlinson spoke to the following:

- Eliminated wallet size
- Instituted a watermark as not to be duplicated
- Will use a hang tag
- Separate one for businesses

Discussion ensued regarding evacuation and would there be a meeting between the City Manager, Police Chief and Fire Chief meet before allowing residents on the island and Chief Tomlinson stated that yes they would meet to determine safety factors and make a recommendations to Council, businesses not knowing the alcohol band was limited, businesses concerned that employees leaving should have completed there shift, and ms. Zimomra stated that businesses should know where to get information and future education would be provided, and Ms. Zimomra stated that different equipment information was provided to residents.

### **Staff recommendation regarding the request from the Periwinkle Partnership for plantings along Periwinkle Way east of Lindgren Boulevard**

Ms. Zimomra stated that met with the Periwinkle Partnership and the recommendations was to concentrate on the current Periwinkle Way restoration project.

Council agreed.

### **Staff report regarding the implementation of a new Recreation Program for Adults with Special Needs**

Ms. Zimomra spoke to a citizen request to provide recreational programming for adults with special needs.

Public Comment:

Hazel Schuller spoke to expanding the age of people going to the Recreation Center and a greater inclusiveness. She further stated that Friends In Service Here (F. I. S. H.) would provide transportation. She also advised that the Friendship games would begin Monday, May 01, 2006.

### **City Auction, June 03, 2006 at the Recreation Center**

Ms. Zimomra announced that there would be a City Auction at the Recreation Center on June 03, 2006.

### **Request from Sharon Harrington, Lee County Supervisor of Elections to attend a future City Council meeting to discuss rescheduling the Sanibel election date**

Ms. Zimomra stated that Ms. Harrington has requested to come before Council to request that Council change the municipal election date to November, 2007.

Council decided to keep the election in March of the even years.

**CITY ATTORNEY'S REPORT:**

None.

**PUBLIC COMMENT**

Steve Greenstein spoke farewell and would be leaving May 14, 2006.

**COUNCILMEMBERS' REPORT**

None.

There being no further business the meeting was adjourned at 6:24 p. m.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk