

SANIBEL CITY COUNCIL MEETING
June 20, 2006

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

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

PRESENTATION

Service Awards to employees Bert Gomez, Matt Fannon and John Mort for extraordinary citizen service

Mayor Johnston gave certificates out to the above-mentioned employees for extraordinary citizen service.

Public Comments:

Dick Walsh spoke to Council's hard work.

Claudia Burns stated the road that Punta Rassa and the left lane turn in question was McGregor Boulevard not Summerlin.

Council Comments.

Councilman Rothman commented that staff and the City Manager performed a difficult job with red algae on the beach. He further spoke to finding 8 baby armadillos in his pool. He further spoke to not receiving a reply from LCEC regarding approaches to improve the electrical systems on the island as was being used on the east coast.

Councilman Brown spoke to the loss of former Councilmember Judy Workman's mother.

Discussion of separation of partisan politics from City government
Discussion of City Council's position and/or individual commitments by individual Councilmembers on issues that have or will come before the entire body

Councilman Brown spoke to Section 5.02 of the City Charter that City elections were to be conducted on a non-partisan basis. He further spoke to a previous resolution adopted by Council to maintain non-partisan elections. He also spoke to Council being nominated by the electorate and one Council could not commit Council's vote on any specific item.

Councilman Jennings spoke to the following:

- Contacting other Mayors, state representatives, Representative Connie Mack in October regarding water quality
- He spoke to discussions with Representative Mack about sending a representative and Matt Stillman from Mack's office was sent to discussion regarding water quality
- January, 2006 a regional group was formed to hold meetings on water
- The group met every 3 to 4 weeks
- The group deciding not to publicize the meetings
- He also spoke to meeting with important individuals such as Colonel Carpenter.
- Governor Bush directed 2,800 cubic feet be released from Lake Okeechobee
- Colonel Carpenter stated he would comply
- Estuaries could survive with 2,800 cubic feet per second water released from Lake Okeechobee
- Representative Mack prepared a bill to get bridges cleared of vegetation on Highway 41

Mayor Johnston spoke to Councilmembers reaching out within Council's policy, but very important to report back to Council. She again further spoke to Councilmembers staying within the existing Council policy, not making arrangements without prior Council notice.

Discussion ensued regarding it being inappropriate for a Councilmember participating in meetings without Council's knowledge when the meeting was not open to the public, all meetings fall under the Sunshine Law, media publishing only the more inflammatory statements, avoid a situation when things were taking out of context, aware that issues may come before Council and making commitments only within a Council meeting, and Councilman Jennings working as a private citizen in a regional manner.

Dick Walsh spoke to Section 5.02 of the Charter and the spirit being violated in the last election. He also spoke to keeping Sanibel elections non-partisan.

Mike Valiquette spoke to chairing the meeting of the Republican Party sub-committee and the meeting was to have Big Sugar, state and federal representatives, and Colonel Carpenter, Army Corps of Engineer to discuss water quality and Lake Okeechobee water releases. He explained that it was kept secret to have a discussion.

Henry Glissman spoke to U. S. Congress working differently than the City.

Planning Commission Report

Mr. Johns Veenschoten gave the following report from the June 13, 2006 Planning Commission meeting.

- Public hearing to demolish a building known as Shorehaven
- Discussion surrounded allowing the demolition of the building, not to allow destruction or relocation of building, and allow the relocation of Shorehaven (staff recommendation)
- Unanimous vote for relocation of Shorehaven and staff reviewing locations
- Legislative hearing on the code to add a new section bonus outdoor seats for dining and recommended and voted to forward to Council
- Reviewed the Sanibel Plan in preparation of the ERA Section 3.5.1 and 3.5.2
- Considered the Capital Improvements section of the Sanibel Plan and would be discussed at a sub-committee

PRESENTATION(S)

Sanibel Causeway/Toll Facility construction related issues

Proposed elimination of the left turn to Punta Rassa for traffic coming from Sanibel Discussion regarding the 2005 Causeway construction accident and problems noted with the cement

Vice Mayor Denham spoke to:

- Invited Mr. Wingard at the request of residents for a left-hand turn in to Punta Rassa
- Perceived as a safety issue

Mr. Wingard spoke to the following:

- Piling broke when the 2005 accident occurred during the Causeway construction
- Piles spliced was a general practice
- Did not actually know what caused the accident because the pile failed with the splice intact
- Lee County had not received the complete OSHA report
- OSHA charge was that people were not injured during construction
- Comments by News Press where Jacobs refused to turn over documents
- Lee County requested the information and was turned over to the News Press

Discussion ensued regarding there was no concern about the safety of the bridges being constructed, Mr. Wingard spoke to both design firms certain there were no concerns with the splice of the beams, splice always located in the bottom third of the piling, Lee County had rejected 16 pilings due to a defect, and Mr. Wingard could not speak to that statement, but a cursory quality control review was done of the pilings in the construction yard, the Tampa pre-cast manufacture pulled 15 pilings to possibly investigate the pilings,

Lee County's perspective was that quality control was under the charge of the sub-contractor manufacturing the beams, and Lee County had quality assurance to make certain the steel and concrete was in order.

Public Comment:

Ed Seiber explained splices and how they work.

Proposed elimination of the left turn to Punta Rassa for traffic coming from Sanibel

Vice Mayor Denham spoke to the possible safety issues due to the above-mentioned.

Mr. Wingard spoke to the following:

- Deleted the left turn to Punta Rassa
- Vehicles would travel past the intersection and make a U-turn
- DOT would hope that people would travel to Shell Point for a U-turn to return to Punta Rassa
- Could consider making an improve U-turn to allow safe turning
- Reason for deletion the committee appointed to study the turn and make a recommendation provided guidance to improve traffic going to Punta Rassa
- Shifted intersection away from the toll plaza
- By eliminating left turn showed improvement at the toll plaza as discussed during public comment
- Design would not be changed
- Based design on what past Council wanted with people leaving and returning to the island

Discussion ensued regarding collaboration between Sanibel golf courses and Punta Rassa, decisions made in 2001/2002, increase in traffic since that time, design and permits in place, did not know the exact costs of a change, no over-site that there was no left-turn lane, DOT looked at proposal very carefully, there was no discussion that there would be no left-turn lane and Mr. Wingard agreed, DOT charged with making improvements to the intersection, safety issues should be addressed, possible to construct a U-turn before Shell Point, Mr. Wingard could explore and review options, possible answer within a month, landscaping would be done in the median, concern that a solution would happen after an accident occurs, only one comment to DOT, 3 comments to Commissioner Janes' office, would be a traffic light coming out of the resort at Punta Rassa, considered closing the 2 crossovers prior to the intersection, seems to be a push to get traffic on the island faster, Mr. Wingard stated there would be an improvement at the toll plaza vehicles cutting across the median when turning out of Publix's grocery store off-island rather than making the left-hand at John Morris Road, and Mr. Wingard stated DOT would review the comments.

Public Comment:

David Berger asked if DOT had considered during season traffic flow that may want to turn left into Punta Rassa

Glenn Simmons spoke to his concerns

Richard Strong spoke to the new construction being built just beyond Punta Rassa.

Betsy Belltido spoke to the light at Punta Rassa and the Shell Point traffic light installed after a near fatal accident. She also spoke to new construction at Punta Rassa and beyond Punta Rassa.

Barbara Cooley spoke to a problem with using non-peak traffic data to make a decision.

Billy Kirkland spoke to a problem with making a U-turn while pulling a trailer.

Dick Walsh spoke to his service on the committee that held discussions and he never heard the discussion to eliminate the left-hand turn. He also spoke to the need for controlled access.

Second Reading and Public Hearing:

ORDINANCE 06-008 PROHIBITING THE COPYING, ALTERING, OR ANY OTHER UNAUTHORIZED REPRODUCTION, COUNTERFEITING OR FABRICATION OF CITY OF SANIBEL HURRICANE PASSES; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING PENALTIES; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Ordinance 06-008

Councilman Rothman made a motion, seconded by Vice Mayor Rothman, to adopt Ordinance 06-008.

Public Comment:

None.

The motion carried unanimously.

CONSENT AGENDA:

Ms. Zimomra read the following resolution titles of the following resolutions:

- b. **RESOLUTION 06-088 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-067 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$8.35 million of Bond Proceeds, \$3.2 million from Lee County and \$1.596,200 from the School Board for the construction of a new Recreation Center Facility pursuant to the terms of the April 4, 2006 referendum and Resolution 06-086 dated June 6, 2006 approving the Guaranteed Maximum Price for project. This budget amendment also returns \$351,369 to the General Fund Reserves for the savings from Issuance Costs realized at closing)
- c. **RESOLUTION NO. 06-084 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-066 AND PROVIDING AN EFFECTIVE DATE** (to move funds from the Reserve for Building Department hurricane costs expense line to repair and maintenance line to pay for one half of the cost of reinforcing existing wiring of the HAM antenna, which is currently susceptible to damage in high winds)
- g. **RESOLUTION 06-090 ACCEPTING A DONATION OF LAND FROM SEA OATS IMPROVEMENT ASSOCIATION, INC., TO BE INCLUDED WITHIN THE ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT OF THE CITY OF SANIBEL; PROVIDING FOR AN EFFECTIVE DATE**
- h. **RESOLUTION 06-091 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-070 AND PROVIDING AN EFFECTIVE DATE** (to appropriate the #32443 from Periwinkle Partnership for their contribution to the Periwinkle Way Restoration Project)
- i. Acceptance of a grant from the Department of Community Affairs under the Emergency Management Preparedness and Awareness Competitive Grant Program for Fiscal Year 2006-2007 in the amount of \$50,000 for a mobile communication office and **RESOLUTION 06-092 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-069 AND PROVIDING AN EFFECTIVE DATE** (to appropriate a \$50,000 grant from Florida Department of Community Affairs for the design, development and purchase of an emergency communications

van for use when the normal communications capabilities of the City are not operable. This grant requires a \$50,000 or 50% match, which pursuant to Council action January 17, 2006 is being transferred from the General Fund Reserves for Disaster Contingencies)

- j. **RESOLUTION 06-093 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-068 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$11,330 from the Sanibel Bicycle Club for the Shared Use Path Master Plan. This is the Club's second donation, the first being \$11,500)

Discussion ensued regarding Resolution 06-093, if the financial commitment was complete and would the remaining task be completed.

Ms. Zimomra that since the funds were in place the remaining task would be brought to Council at the July 18, 2006 Council meeting.

Councilman Jennings made a motion, seconded by Councilman Rothman, to adopt Resolutions 06, 088, 06-084, 06-090, 06-091, 06-092, and 06-093.

The motion carried unanimously

- a. **Approval of minutes February 07, 2006 Regular Meeting, February 12, 2006 Special Meeting, February 21, 2006 Regular Meeting, May 02, 2006 Regular Meeting**
- d. **Award contract for HAVAC Replacement – MacKenzie Hall and Legal Wing to Air Mechanical and Service Corp in the amount of \$195,680 and authorize the City Manager to execute the contract**
- e. Award contract to Driveway Maintenance, Inc., for 2006 Shared Use Path repairs various shared use path repairs and resurfacing on Casa Ybel Road, Middle Gulf Drive, West Gulf Drive, Sanibel-Captiva Road, and Periwinkle Way in the amount of \$227,388.75 and authorize the City Manager to execute the contract
- f. Approve the purchase of sodium hypochlorite from Dumont Company, Inc., at a cost of \$0.85 per gallon for the Donax plant and \$1.30 per gallon for the Wulfert plant for one year for a total estimated cost of \$75,000

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

The motion carried by consensus.

Council recessed at 10:49

Council reconvened at 11:05

OLD BUSINESS

Water Quality Issues

Staff Reports

Dr. Loflin gave the following report:

- Recent rains had not impacted Lake Okeechobee, but areas to the north
- The level of Lake Okeechobee 12.1 feet
- Water going south to the EAA agricultural area for irrigation
- Consideration to request some releases at this time to reduce the more extreme releases later

- Algae on the beach was gone and moved to Fort Myers Beach
- Discharges from the Caloosahatchee River and the local basin and Lake Okeechobee were the culprits
- Algae growing on the reefs and hard bottom communities were all patterned from releases at the mouth of the Caloosahatchee River
- Less algae north and south
- Army Corps of Engineers (ACOE) efforts to revise the water release schedule (LORSS) (originally to improve Lake Okeechobee management) had changed direction to just helping Lake Okeechobee with estuaries being ignored in the selection of possible alternatives
- Recent decisions were all about Lake Okeechobee and the dike
- Sparse seagrass at the east end of the island
- Turtle seagrass very sparse
- Looks as though shore grass was trying to colonize the vacant areas
- Tarpon Bay area would take years to recover seagrass beds
- Algae in the wildlife refuge was slowly dying off, but bacteria growing in large amounts on the decaying algae
- SFWMD and ACOE made a choice when reviewing the LORSS to make Lake Okeechobee the primary focus
- Number of agencies decided alternatives and they were rejected by the ACOE

Discussion ensued regarding the ACOE having a desired outcome rather than taking the recommendation from the meeting of different agencies, ACOE could consider the estuaries when making week to week decisions, Councilman Jennings spoke to Colonel Carpenter and was told the Corps must follow the regulations set in place, placement of maps in the Administrative conference room and weekly figures placed on the maps of in-flows/out-flows, in-put from Council for short-term discharge, ACOE stated Lake Okeechobee Lake below the level (13 feet) and need local governments to request releases at this point, 2,800 cubic feet per second without impact to estuaries, getting half of a pulse one release, quality of water very clear and beaches gorgeous, release would bring degradation and dirty water, beginning to regulate 15 feet at the lake may make the discharges later, no major releases into the Caloosahatchee River, do not have forward pumps in place, predicted above average rainfall for southwest area, agricultural district does not want Lake Okeechobee to go any lower, Dr. Loflin recommendation was that the alternatives do not benefit estuary, all focus on Lake Okeechobee, Wayne Daltry communicating on a weekly basis to Susan Gray and given all area conditions, decision trees that decide when to release within the alternatives, July EIS recommendation, and estuary point of view better off with existing water release schedule, Dr. Loflin stated according to the model it would be worse for Sanibel, and keep a weekly matrix of releases of in-flows and out-flows.

Update from Rob Jess, Executive Director J. N. “Ding” Darling” Wildlife Refuge/U. S. Fish and Wildlife

Rob Jess, Executive Director J. N. “Ding” Darling Wildlife Refuge spoke to the following:

- One official briefing with regional director Sam Hamilton
- Second meeting referenced clarification and guidance
- Third meeting on science very clearly demonstrated severe impacts to refuge
- Long term devastation
- Tremendous amount of dead algae and impact 65 to 70% seagrass
- 30% of dead or dying clydophora and slowly breaking down, which inhibits seagrass development
- Seagrass study may show a better outcome and 20% to 25% were seagrasses were 4 years ago after aggressive seagrass management
- Regional director approval to redevelop briefing documents and continuing to clarify and refine the science and development without biologist
- Dr. Barry Rosen Vero Beach accepted a position with US Geological Survey

- Regional solicitor clarifying and interpreting any violations of laws reference water releases including, but not limited to the Clean Water Act, Environmental Integrity and Policy Act of the Fish and Wildlife Service
- Bi-weekly updates to regional and Washington, D. C. office
- Plans to meet with the City of Sanibel
- Other U. S. Fish and Wildlife entities in Florida meeting with other entities in different parts of the state

Discussion ensued regarding presentation having an impact on changes, Mr. Jess answered that based on discussion he felt that policy was on the refuge side, very significant and detrimental impacts to the refuge and could not continue, was there an impact on endangered species relative to water quality, Mr. Jess stated it would be difficult to demonstrate a direct impact on endangered species in court, but there was indirect evidence that leans toward an impact on endangered species.

Erick Lindblad, Executive Director SCCF spoke to the following:

- PURRE Water Coalition had new chair (Mike Valiquette)
- Mr. Lindblad would remain on the PURRE Board
- SCCF hired Rand Wessell and was a founding board member of the Caloosahatchee River Citizens Coalition
- SCCF take the Economic Impact Study of water issues and working with Wayne Daltry regarding the study
- Speaking with people in the water industry
- Marine Lab more active in providing information to City and County and providing information for the weekly meetings with Wayne Daltry, Smart Growth
- Rick Bartelson identified a toxic blue green algae that was becoming more prevalent in San Carlos Bay, the lower part of Pine Island Sound and maybe in the refuge
- Most pressing issue was 15 days left of a 45 day comment period for the EPA new rule set to circumvent recent Supreme Court decisions
- SCCF and PURRE had retained Lee Macililly
- Chris Kepfer, Lee County artificial reef program showed video at the last Rotary meeting showing thick algae on the reef with everything under the algae dead, video also showed the reef when installed one year ago with clear water
- The need for some releases now in anticipation of the storm season

Discussion ensued regarding Councilman Jennings speaking to other reasons for pollution such as septic systems, water run-off, and a variety of other reasons for the red drift algae, Councilman Jennings asked Dr. Loflin if he had any evidence to support that the freshwater releases were the cause of the red drift algae, Eric Lindblad answered that water coming from Lake Okeechobee was not pure, but loaded with nutrients and he further stated that there was no way to separate the nutrients from Lake Okeechobee and the basin that was loaded with nutrients that was essentially fertilizer, Dr. Loflin stated that the distribution at the mouth of the Caloosahatchee River and whatever was coming down the river was the cause of the algae, algae samples were sent to the University of Georgia and could determine if the carbon related material was human biology source or a land related source, Councilman Jennings spoke to his discussion with local scientists that the preliminary report was that there was no fingerprint of Lake Okeechobee pollutants and it doesn't mean evidence does not exist, he stated the reef off Blind Pass was not affected by the water from the Caloosahatchee River, the need for an economic impact study and the funds needed to do the study.

Update from Mike Valiquette, Chairperson PURRE

Mike Valiquette spoke to the following:

- White and Case retained by PURRE
- Outside stance to keep line of communication open
- Discussions with Representative Bill Nelson and U. S. Representative Connie Mack

- Gave a list of involved members
- Read paperwork of County Coalition for Responsible Management of Lake Okeechobee
- PURRE would like to address the League of Cities

Public Comment:

Ralph Woodring spoke to the START Program:

- Help secure programming for red tide research
- Since 2001 had been part of the Red Tide Alliance (RTA) along with Mote Marine Lab, Fish and Wildlife Research Institute in St. Petersburg
- Provided seed money for research and mitigation on clay and ozone
- Review independent process
- Help everyday life of citizens
- Keep citizens informed
- Locate red tide off shore
- Under water manned vehicle
- Looking for ways to mitigate
- One year hopefully ozone testing
- Provided a sign to put out on beaches when red-tide was in bloom

Letter from Carol Wehele, Executive Director of SFWMD to Colonel Carpenter, Army Corps of Engineers

Letter in the agenda packet for information.

Report of Meetings

Councilman Brown thanked Barbara Cooley for her perseverance in research.

Vice Mayor Denham stated he was Chairman of the Caloosahatchee River Basin Board and the focus would be:

- Impact of septic systems
- Fertilizers and draft comprehensive Plans and regulations
- Control over storm water

Mayor Johnston spoke to the following:

- Al Hoffman, (Ft. Myers resident) founder of WCI Communities and the Portugal Ambassador could not meet with him due to scheduling
- Met with the special assistant reviewing the issues and problems with Lake Okeechobee
- Busing people south during a Category 5 storm
- The need for an emergency water deviation plan

Councilman Jennings spoke to the following:

- Horizon Council Executive Committee discussion of water quality
- Request that Water Quality be put on a Horizon Council agenda
- General Meeting discussing water quality (corrected information regarding water releases)

Tom Rothman spoke to the following:

- CHNEP meeting only twice per year
- CHNEP Policy Committee accepted the report from Wayne Daltry, Smart Growth
- Discussed with Lisa Beaver, CHNEP Director focusing attention on the Babcock Ranch
- Would be involved in the Audubon Plan

Discussion ensued regarding CHNEP meetings were a rubber stamp of what was going on, governor signed agreement for state to purchase Babcock Ranch, and Sierra Club wanting to fight the sale of the property.

Public Comment:

Barbara Colley spoke to Barry Rosen leaving position as a member of the Low WRAC, which would mean there would be an open position, did Council receive a response from SFWMD and Ms. Zimomra stated yes.

Karen Storijohann spoke to SFWMD insert in the News Press.

Kurt Harclerode, SFWMD spoke to reviewing alternatives, report on Herbert Hoover Dike report, process stopped due to models, Colonel Carpenter stopped reviewing alternatives and models to be re-run. He further stated that models would be done again. SFWMD recommended deviation from schedule to make releases in to the Caloosahatchee River, meeting weekly with Corps of Engineers, below regulation schedule in the Kissimmee Chain of Lakes, and review run-off increases/decreases.

Discussion ensued regarding Kurt Harclerode accepting a position with Lee County as a liaison for other governmental entities, no response from letters, reviewing the water release schedule, and Corps saying the dikes around Lake Okeechobee were fine, and Colonel Carpenter gave new direction to his staff

Mike Valiquette asked what the response was from SFWMD regarding the WRAC and Ms. Zimomra stated that the letter stated there were representatives from the southwest Florida area.

Discussion ensued regarding editorial in the News Press, Sanibel involvement was the acute water releases, main concern was the acuteness of the situation, stress this was not an estuary versus Lake Okeechobee, but a common problem, corps only responsibility was to protecting people against flooding, administration in charge for the health, safety and welfare, need an emergency deviation plan, Corps of Engineers a welfare program for engineers, the need for more education, impact when problem affects communities directly, Rob Jess spoke to a sense of complacency due to water looking better, should be as a partnership to make recommendation of the ACOE and SFWMD to continue to slowly release water, tremendous public relation campaign against southwest Florida, move forward to make strong recommendation, refuge only 3 in the country and a tenth of what it was at one time, the need to move forward, delegation of Mayors agree there was a problem, Rob Jess spoke to requesting the SFWMD to release water at a half pulse, possibly losing the refuge as it is currently know, Dr. Loflin spoke to the half pulse release, level one pulse release that goes to a high of 2,800 in the modified format and average was 1,100 cubic feet per second release, Peter Doran, biologist stated up the 2,800 cubic feet per second was the upper most level during the summer time under which the estuary was not having a major impact, currently the estuary was stressed and in recovery or trying to recover, water release could help later and need to be careful not to harm the recovery.

Council requested that Dr. Loflin bring back suggested wording to send to the SFWMD.

Dr. Loflin stated that Council could request the SFWMD and ACOE continue to release water perhaps at a higher level and as we enter in to the rainy season to prevent drastic releases later in the season.

Discussion ensued regarding coming back after lunch with suggested wording for a motion, not advocating more water releases to continue, Dr. Loflin stating that the City was in a position to take more water at the moment, but should that happen, asking for highly polluted water was not a simple request.

Mr. Cuyler stated that no one had a good answer, and Dr. Loflin was having difficulty assume water would come later and could reduce the level now to help the estuary in the long term.

Discussion ensued regarding sending mixed signal to the public, Mr. Cuyler stated the City's position had consistently been not to receive more polluted freshwater water, than the estuary could handle and during the dry season it had been a low number, but during the rainy season there would be more water and it would harm the estuary, and how much would be to much without harming the grasses, WCA's send more

water south and lacking in shared adversity, capacity south, water south was for irrigation and water supply, lower Lake Okeechobee, motion would send a mixed message, there was storage space south of Lake Okeechobee

Kurt Harclerode spoke to possibly doing larger releases and there probably would be more releases in to the system, problem with moving water south was the ETA's could not use the water because of the water quality, conservation areas have water storage, but could not except due to water quality, threat of suit if water was discharged east, St. Lucie does not want water at all, when water was released 66% would come west because the system being larger, SFWMD requests release of water, but Corps called attention to the plan that they work under, and Councilman Jennings stated that if releasing water was truly an emergency then everyone should receive water.

Erick Lindblad asked if emergency powers would trump the Clean Water Act rules, regulations and settlements with the integrity of the dike, and Kurt Harclerode stated there were outlets designed east/west, which it was currently designed to operate under emergency situations; he further stated that the system was designed to move water east and west, but south would only take for irrigation during the winter with no outflows to the south.

Mr. Cuyler spoke to defined emergency powers:

- Over the past 4 yrs the SFWMD flood control emergency powers and working on behalf of people lives and the integrity of the dike would send as much water to St. Lucie and Calooshattee River as was deemed necessary
- Should try to send the water south as part of the emergency powers
- Good chance SFWMD regulate Lake Okeechobee at a lower level due to the integrity of the dike issues
- Specifically asked Pete Miliam and Colonel Carpenter at another meeting if they were going to keep Lake Okeechobee at a lower level due to the report and the answer was no
- His opinion that more water would be released and sooner due to the dike report
- In terms of getting water out now, do not need more water, but do need to possibly release small amounts of water to help the estuary later
- Could have duration of less controlled releases due to integrity of dike and Lake Okeechobee could be kept at a lower level

Mike Valiquette spoke to his discussion with Colonel Carpenter that water releases need to be clean water return to the south and look at other flow ways; he asked Kurt Herclerode why SFWMD were popping champagne corks to the release of dirty water any way they want.

Mr. Harclerode responded the individual representing the SFWMD district was on extended permanent leave. The announcement by EPA was to open to public comment and moving water was a complex legal issue and the SFWMD would follow EPA and public comment.

Council recessed at 1:25 p.m.

Council reconvened at 2:07 p.m.

Discussion of Council briefings

Mr. Cuyler spoke to the following:

- Thanked Council members for the time they spent for Council briefing over the weekend

RESOLUTION 06-089 AUTHORIZING AND SCHEDULING A BINDING REFERENDUM PERTAINING TO THE EXPENDITURE OF CITY FUNDS FOR LITIGATION RELATING TO LAKE OKEECHOBEE AND

CALOOSAHATCHEE RIVER FRESHWATER RELEASES WHICH HAVE DEGRADED AND ARE DEGRADING THE WATERS ADJACENT TO SANIBEL, INCLUDING NEARBY BAYS AND ESTUARIES; CALLING FOR AND ORDERING A BINDING REFERENDUM TO BE HELD IN THE CITY OF SANIBEL TO DETERMINE WHETHER A MAJORITY OF ELECTORS PARTICIPATING IN SUCH REFERENDUM APPROVE THE USE OF CITY FUNDS TO INITIATE AND PURSUE LITIGATION WITH THE PURPOSE OF REDUCING, MINIMIZING AND ELIMINATING THE DEGRADED AND DEGRADING WATER QUALITY DIRECTLY RESULTING FROM FRESH WATER RELEASES FROM LAKE OKEECHOBEE AND THE CALOOSAHATCHEE RIVER; ESTABLISHING THE DATE OF THE ELECTION; REQUESTING THE LEE COUNTY SUPERVISOR OF ELECTIONS CONDUCT THE ELECTION IN ACCORDANCE WITH LAWS AND REGULATIONS AND CERTIFY THE RESULTS TO THE SANIBEL CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the title of Resolution 06-089.

Mr. Cuyler spoke to the following:

- Voters would have the ability to approve the use of funds
- Binding in a sense that If there was a “no” vote public funds would not be used
- Does not force to litigate and was a Council policy decision
- Supervisor of Election indicated December 05 would be the first date to conduct an election
- Council decision of mail ballot or poll election
- Exceptions to the resolution doesn’t say you could not litigate or initiate litigation before the referendum vote
- Certain occasion Council may want to consider with the following exceptions: 1) county files a lawsuit and asked City as Co-complaint; 2) third party files and recommend and/or decide to file suit to protect the City’s interest; 3) need to file to meet a filing deadline (i.e., ACOE issues some decision and/or health safety welfare of public)

Discussion ensued regarding ask general public if they want funds spent for litigation, Council decided to have a three-pronged effort, important that Council tried to reach agreements with other parties, educating the public, December being a good time for a referendum, what happens to the referendum if one of the exceptions described above occur, Mr. Cuyler stated that if the exception was a time frame to file and the vote was a month away it would not make a difference, and if not approved a voluntary dismissal could be filed, expenditures would continue to be paid, D. C. attorneys would not be engaged for litigation if referendum failed, add a limit on the amount of funds could be spent for litigation, inform public of the possible funds that would be spent, Mr. Cuyler asked that a whereas clause regarding litigation could reach sums in excess of \$1.5 million for expended litigation and could be several years, and he stated could be made available prior to the litigation, knowledge that Council have of legal options, 1) Council more likely to be knowledge of the substance of the topic; 2) rationale if engage in litigation could be a number of years, Missosukie Indian lawsuit approximately 10 years in litigation, Mr. Cuyler stated understanding the premise of the public understanding the amount of funds, stewardship versus money, citizens may feel that litigation was not the correct approach, need to point out the water was having an effect on property values, Mr. Cuyler stated that Council would be able to educate and provide facts to the public.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-089 and authorize the City Attorney to amend the resolution to include the above-mentioned possibilities, hold the election December 05, 2006 and have a mail ballot and Whereas clause including federal litigation which could exceed 2 to 3 years and would exceed \$1.5 million dollars.

Public Comment:

Dick Walsh spoke against the resolution.

Louise Johnson spoke against the resolution.

Barbara Cooley spoke against the resolution.

Bob Foder spoke against the resolution.

Discussion ensued regarding the vote of protecting the Causeway, referendum an attempt to see if the electorate wanted to expend funds to litigate, Mr. Cuyler stated the way the resolution was set up and the voters approve the use of funds Council would have total discretion and policy decision making authority with regard on how Council may proceed, if Council proceeds or Council decides not to proceed; and if the electorate vote against the question then it would be binding on Council not to pursue litigation, Mr. Cuyler advised that Resolution 06-089 was a binding resolution, but Council could have a non-binding referendum, which was known as a straw ballot, and if referendum not binding it would not be taken serious,

Councilman Brown made a motion seconded by Mayor Johnston, to table Resolution 06-089 until July 18, 2006.

Mr. Cuyler spoke to Council's procedure was that a motion to table was not debatable, but if the motion to table fails then Council would return to the original motion, and if the motion to table passes the amendments discussed would be made to Resolution 06-089. He explained that July 18, 2006 Council meeting was still within the 120-day notice required by the Lee County Supervisor of Elections to hold an election. He further spoke to further discussion of the agreement between the City and the Lee County Supervisor of Elections at the July 18, 2006 Council meeting.

The motion carried with Councilman Jennings and Rothman voting in opposition.

Fertilizer Regulation

Correspondence from City of Bonita Springs to Lee County

Sanibel soil testing results

Ms. Zimomra stated that Council had approved soil testing and called Council's attention to the agenda packet information. She further stated that had also referred the fertilizer issue to the Vegetation Committee, which had created a sub-committee to study the issue.

Dr. Loflin introduced Holly Downing:

Discussion ensued regarding the Vegetation Committee researching fertilizer, would have a recommendation to Council sometime in October, number of communities looking at an ordinance regulating fertilizers, Mayor Arend, Bonita Springs was in the fertilizer business and was proactive in reviewing fertilizers in Lake Okeechobee, St. Johns County and Sarasota considering a fertilizer ordinance.

Ms. Downing, Environmental Specialist gave the following report:

- When purchasing a bag of fertilizer the bag had 3 numbers on it; 1) nitrogen; 2) phosphorus; and 3) potassium
- Focus on phosphorus and nitrogen being the most important nutrients regarding water quality
- Sanibel map shows soil types used when choosing soil sampling locations
- All conservation or public lands use for soil testing
- Green shows low or very low location showed less than 10 parts per million when dealing with phosphorus
- Yellow shows med range
- Red shows high or very high

- Locations where phosphorus was high or very high
- Locations where phosphorus was low or very low
- Samples analyzed by the University of Florida IFAS extension office and in the process of discussion
- Nitrogen also shown high or very high in some locations

Dr. Loflin stated the soil testing did show high phosphorus at most locations, some locations had potassium and would not need a resolution regarding potassium. He further stated that Sanibel had done more to limit discharges in the Calooshattee, and there would be educational opportunities with contractors taking the vegetation course and test.

Discussion ensued regarding control landscape, Vegetation Committee giving a Vegetation Course to contractors, and Vegetation Committee would not have a recommendation for a fertilizer ordinance.

Public:

Phyllis Gresham, Chairperson of the Vegetation Committee, encourage the use of native plants, important to education residents and contractors.

Discussion ensued regarding different groups in St. Johns County regarding a fertilizer ordinance Vegetation Committee to prioritize and Councilman Rothman to update Council, significance of soil type, Ms. Downing answered that the Natural Resource was not very school in soil and would be discussion that information from the University of Florida, historical use of the island due to the island being agricultural at one time, Dr. Loflin stated that there were huge areas used for agricultural and was changed when hurricanes hit the island and the island basically became a sand bar and using a fertilizer that was appropriate for the entire island.

Fertilizer connection to Red Tide discussion

Vice Mayor Denham reported that the Caloosahatchee River Basin Committee did not feel they were not willing to debating the issue.

Mr. Steve Brown, Lee County Extension Service spoke to Florida Yards and Neighborhood Program, IFAS and Lee County Extension Service were all a part of the University of Florida. He asked for a copy of the soil sample testing results, and stated that the soil extraction only looked at potassium, phosphorus, calcium and magnesium were available for plant use. He explained that Florida was a phosphorus state and even if no phosphorus was applied the plant would grown well because Florida soil was naturally high in phosphorus.

Status of Pending Water Quality Legislation

Ms. Zimomra called Council's attention to the agenda packet information. She stated there was some minor movement in Washington, D. C. in federal legislation.

Approval of draft of Issue 3 of H2O Matters

Ms. Zimomra stated that Mr. Cuyler had been working with the external auditor regarding a tax-exempt issue regarding the article on the defense fund for the tax status of donations.

RESOLUTION NO. 06-083 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2006-064 AND PROVIDING AN EFFECTIVE DATE (to establish the environmental defense fund to provide a mechanism for citizens and other interested persons to contribute to the environmental protection of Sanibel's critical natural resources currently threatened by Lake Okeechobee fresh water releases)

Ms. Zimomra read the title of Resolution 06-083.

Councilman Brown made a motion, seconded by Vice Mayor Denham, to adopt Resolution 06-083.

She stated that at the June 06 Council meeting the fund was created. She explained that Resolution 06-083 was to accept the first donation given by Louise Johnson in the amount of \$1,000 and transfer from incoming revenue to the special defense fund.

Discussion ensued regarding the resolution was broaden and still dealt with Lake Okeechobee, and Mr. Cuyler stated that the resolution was broaden beyond litigation to other cost, but still dealt with Lake Okeechobee,

Public Comment:

Louise Johnson spoke to the intention was to re-create the fund that was established in 1975 for environmental defense to protect the environment. She also stated that funds would be a voluntary donation that was tax-deductible. Mr. Cuyler stated this was a budget amendment and the resolution had already been adopted and does contemplate any use of funds for litigation, publications, public notices, lobbying efforts if needed, and did relate to the current environmental crisis of the freshwater releases of Lake Okeechobee.

Discussion ensued regarding the previous adopted resolution, bring back the adopted resolution at the July 18 Council meeting to broaden the objective of the fund, Councilman Jennings did not support

The motion carried unanimously.

Council decided to discuss the possible recommended wording of a motion from the morning's discussion.

Option 1:

“To direct the City Attorney to prepare a letter for signature by the Mayor to the SFWMD and the U. S. Army Corps of Engineers urging additional; water releases from Lake Okeechobee now to lower the Lake, and to maintain lower Lake levels. Such releases should be made west, east and south and should be no more than a modified level one pulse release, (Maximum 2800 cfs at the height of the pulse as measured at the Franklin Locks), to the Caloosahatchee Estuary. The letter should detail the need for shared adversity in protecting the citizens of south Florida, the integrity of the Herbert Hoover Dike, the Lake itself, and in preventing more massive releases to the already degraded estuaries later in the season.

Option 2:

To direct the City Attorney to prepare a letter for signature by the Mayor to the SFWMD and the ACOE urging additional water releases from Lake Okeechobee now to lower Lake levels. Such releases should be to the south only, to the Water Conservation Areas, canals to the Atlantic Ocean, and onto other publicly owned, non-developed properties to the south of the Lake that can hold standing water.

Discussion ensued regarding the St. Lucie River being canals as well, Dr. Loflin stated there was no discussion of the St. Lucie or Lake Okeechobee to the south, and anything south of the lake would be those canals that go generally from the lake and the water conservations areas directly to the sea. Dr. Loflin also explained that there were about 5 or 6 canals on the lower Atlantic coast, St. Lucie was clearly east, option 2 was what Council always wanted, take option 1 and add part of option 2 beginning with “to the Water Conservation Areas, etc.

Councilman Rothman made a motion, seconded by Vice Mayor Denham that a letter be prepare for signature with the combination of option 1 and 2 as discussed as follows:

“To direct the City Attorney to prepare a letter for signature by the Mayor to the SFWMD and the U. S. Corps of Engineers urging additional; water releases from Lake Okeechobee now to lower the Lake, and to maintain lower Lake levels. Such releases should be made west, east and south and should be no more than a modified level one pulse release, (Maximum 2800 cfs at the height of the pulse as measured at the Franklin Locks), to the Caloosahatchee Estuary, to the Water Conservation Areas, canals to the Atlantic Ocean, and onto other publicly owned, non-developed properties to the south of the Lake that can hold

standing water. The letter should detail the need for shared adversity in protecting the citizens of south Florida, the integrity of the Herbert Hoover Dike, the Lake itself, and in preventing more massive releases to the already degraded estuaries later in the season.

The motion carried by consensus.

Other

None.

Council recessed at 3:57 p.m.

Council reconvened at 4:07 p. m.

Shared Use Path Issues

Staff report regarding options for the Shared Use Path contiguous to Periwinkle Way between Sanibel Steakhouse located at 1473 Periwinkle Way and Casa Ybel Road

Gates Castle, Public Works Director spoke to the four options:

- Leave the path on the south side of Periwinkle Way between Sanibel Steakhouse and improve safety by increasing the separation between the roadway and path and reducing the number of driveways
- Eliminate the path on Periwinkle Way between Sanibel Steakhouse and Casa Ybel Road
- Eliminate the path on Periwinkle Way between Sanibel Steakhouse and Dixie Beach Boulevard (requires keeping a path between Dixie Beach Boulevard and Casa Ybel)
- Relocate the path from the south side to the north side of Periwinkle Way between Sanibel Steakhouse and Casa Ybel Road
- Relocate the path from the south side to the north side of Periwinkle Way between Sanibel Steakhouse and Dixie Beach Boulevard (requires keeping a path on south side between Dixie Beach Boulevard and Casa Ybel Road)

Mr. Castle further explained that Option 1 was the staff recommendation:

- Increase the separation between the shared use path and roadway to allow the exiting vehicles to stack without totally obstructing the path
- Reduce the number of driveways, thus reducing the number of potential conflict points
- A 2 to 3 foot-6 inch gutter (depending upon which gutter type is selected) at the north right-of-way line
- Two 11 foot travel lanes
- An 11 foot 6 inch to 13 foot sodded separation between the roadway and shared use path
- A 10 foot wide shared use path between the roadway and shared use path
- A 3 foot shoulder on the south side of the shared use path
- Periwinkle Way right-of-way widens to the north from 50 feet to 100 feet in the vicinity of Casa Ybel Road allowing for development of a left turn lane onto Casa Ybel Road without property acquisition
- 100 foot long turn lane could be developed at Casa Ybel Road (may impede through westbound traffic during peak traffic times)
- Modifications between Dixie Beach Boulevard and Casa Ybel Road will potentially hinder through traffic flow by eliminating the continuous left turn lane and the left turn lane at Dixie Beach Boulevard
- Improvements in favor of safety of shared use path users and reduction in amount of paved surface to the deference of vehicular traffic movement and not consistent with the Sanibel Plan

Discussion ensued regarding loss of the left turn land to Dixie Beach Road, keeping with the Sanibel Plan, reduce the amount of time to construct one project over another, earliest the construction could be done would be summer 2007, hold off on the eminent domain proceedings, no way to eliminate the path and make safety improvements to path regardless, number of sewer and drainage issues in the area and could be accomplished at the same time, cost savings to complete the drainage improvements at the same time, reduce the number of driveways if businesses owners would cooperate, Mr. Castle stated he could not answer the question due to not researching, and improve the visibility issue.

Public Comment:

Doug Dietrich spoke to the first step of improving the safety. He further spoke to possible other opportunities.

David bath spoke to his agreement of the recommendation. He also spoke to widen path causing bikers to go faster and the possibility of a path on each side of Periwinkle Way.

Harvey Sugarman spoke to State recommendations that bike paths should be between 10 to 12 feet in width.

Billy Kirkland spoke to his agreement of the recommendation.

Dick Walsh spoke to the elimination of the left turn lane to Dixie Beach, and Mr. Castle spoke to a minimal left turn lane that would require elimination of some green area

Discussion ensued regarding the next step of transform the preliminary design in to a preliminary final design, speak to drainage issue, meet green book standards, and cost out, at the suggestion of City Manager send all e-mails to consultants, a staff report would come back to Council August 01, 2006, Mr. Cuyler stated that no land had been purchased under the eminent domain resolution.

Councilman Rothman made a motion, seconded by Vice Mayor Denham, to postpone any further eminent domain work until Council could make a decision on staff's recommendation for the Periwinkle Way Shared Use Path.

The motion carried by consensus.

Prioritization of City Council goals

Ms. Zimomra called Council's attention to the agenda packet information and stated this was staff effort to take all comments by Council to begin a discussion.

Discussion ensued regarding the following being in an active state: 1) Planning Department working on redevelopment; 2) Recreation Facility being constructed; 3) Shared Use Master Plan being development; and 4) Locally Owned Business Roundtables upcoming, Council goals give priorities to staff, Councilman Jennings spoke to an Internet feed for Council meetings to improve citizen communications, and take the numbers of the list.

Ms. Zimomra asked for clarification since Council's goals were in the annual report that they would be in the annual report as goals without a priority order.

Council agreed.

Clarification of suggested approach when asked to meet with island citizens

Councilman Rothman stated that he would receive requests to meet with citizens and wanted clarification.

Discussion ensued regarding meeting with citizens, meeting with outside groups and being careful not to get in to trouble with daisy chaining under the Sunshine Law.

Request for direction to the City Attorney to draft an ordinance prohibiting the releases of exotic animals, birds, fish and/or reptiles within the City of Sanibel

Councilman Rothman spoke to research showing the many municipalities having problems with exotic animals.

Councilman Rothman made a motion, seconded by Councilman Brown, to direct the City Attorney to draft an ordinance and bring back to Council regarding prohibiting the release of exotic animals, birds, fish and/or reptiles.

The motion carried by consensus.

Staff background report regarding the Dunes and Pond Apple Park Subdivisions

Mr. Cuyler stated that Mr. Gresbaum had raised an issue regarding one of the lots in Pond Apple Park. He also stated that Council did not direct him to do any legal research and the question today was whether Council wanted this issue to have further review. He explained that his understanding was the concern by Mr. Gresbaum was potential access through this lot to Bailey Road and appears that could not happen until Council reviewed a plan by the adjacent platted parcel or a request for traffic to go on to Bailey Road through the lot in question. He further explained that there would be hearings before the Planning Commission and/or City Council depending on the situation and/or request and specific governmental approval. He also stated that from a meeting with Mr. Gresbaum and the President of the association the Dunes position was that the Dunes deed restriction prohibited any access across that parcel and Mr. Cuyler's understanding was that the Dunes Association itself believed the deed restrictions prohibited access and they did not want access across the parcel. He further stated that there would need to be a determination regarding the deed restrictions, and he indicated that in terms of researching the issue, but it needed to come before the Planning Commission or City Council.

Discussion ensued regarding the property that developed Pond Apple Park owned by Mariner Properties, Ray Pavelka sold only part of the land to the City, at the time the Dunes Board opposed the switch of property, no assurances that there would be access through the property, legal access to Periwinkle Way, issue was a concern that there was an improper notice where the parcel was included in platted property not within the Dunes, Dunes position was the property was covered by the deed restriction, and possibly statute of limitations, Dunes residents concerned that there not be a road through the lot, premature to make a decision, would be a quasi-judicial hearing, and concern that Council had already made a decision before a development permit was brought before Council and then a quasi-judicial hearing before Council.

Mayor Johnston stated that Council had a policy that citizens could speak for 5 minutes, but Mr. Gresbaum had requested to speak longer than 5 minutes.

Mr. Cuyler stated when putting together the agenda the length of presentations were considered, but Council could waive the 5-minute public comment timeline.

Discussion ensued regarding the length of time, and asked Mr. Cuyler what they were supposed to do today. Mr. Cuyler stated that Council directed that staff provide background information and his assumption was that Mr. Gresbaum wanted to present his side of background information.

Public Comment:

John Gresbaum the stated presentation would take 10 minutes.

Council agreed to give Mr. Gresbaum 10 minutes.

John Gresbaum spoke to the following:

- Deed restrictions within the Dunes subdivision
- Lot one had access to Bailey Road
- Determine value of property due to access
- Any one parcel could be developed as a stand alone parcel

- Without Lot one there would be no access
- Due process was not followed
- Spoke to the Dunes not being re-subdivided
- Lot one was never publicize that it would be part of Pond Apple Park
- Information provided by developer
- Lot one listed in section 20 and was not advertised properly
- Section 83-33 of Land Development Code speaks to permits and relocation
- Lot one was not plotted correctly
- Lee County had never approved a lot to be used as a road

Public Comment”

Dick Walsh spoke to possible wrong advertising and Council should direct the City Attorney to review and determine whether or not there was an improper notice and bring back to Council.

Discussion ensued regarding directing the City Attorney to review the matter and recommend that he fit the research in as time permits, was there a vote of the Dunes Board, Mr. Gresbaum stated he did not represent the Dunes Board, but property interest, public hearing process who would need to be part of it, Mr. Cuyler stated he would think the Dunes Board would want to be apart of any discussions, Mr. Cuyler stated that there would be a lawsuit if Council removed the lot, Mr. Cuyler stated he would have to advise Council regarding the notice, repercussions of a lawsuit, and Council asked Mr. Cuyler to review and bring back to Council.

Mr. Cuyler stated that he would not do any research without speaking to all parties.

Discussion ensued regarding speaking with all parties, Mr. Cuyler stated he would look at what happened 5 years ago, but that does not mean everything could be challenged.

John Gresbaum stated the church was not an issue; the two groups were Slugland and John Gresbaum.

Dick Walsh spoke a second time that the property not allowed access because the City gave access through Periwinkle Way.

COMMITTEE BOARDS AND COMMISSION

Request from the Marine Advisory Committee regarding the need for safe parking adjacent to the culvert connecting Clam and Dinkins Bayou used for recreational uses such as fishing, canoe and kayak launching

Ms. Zimomra stated there was a written request and recommendation to add parking at or near the area of the new culvert that was installed connecting Dinkins/Clam Bayou. She stated that staff was looking for direction.

Discussion ensued regarding no parking for the area.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, not to allow parking adjacent to the culvert.

Discussion ensued regarding concern to isolate the area from use by citizens wanting to use a canoe or fishing, stopping access and preventing people from enjoying nature, allow people to park along the right-of-way, Ms. Zimomra stated there was a launch at Bowman’s Beach, how does the public access Dinkins Bayou, Ms. Zimomra stated that there was no way to access Dinkins Bayou, Dr. Loflin explained that Bowman’s Beach Park was 170 acres and a person could access Clam Bayou and when Blind Pass was opened there could be access and it was appropriate to ask the staff for a report.

Vice Mayor Denham withdrew his second.

The motion died for lack of a second.

Council consensus was for staff to prepare a report and bring back to Council.

Amended Recommendations from the Vegetation Committee 2005 Annual Report

Councilman Rothman spoke to the recommendations as follows:

- Approve and fund translation in to Spanish of the Contractors Test
- Fund the purchase of the 2007 Arbor Day tree to be planted at Sanibel School in celebration of the 30th anniversary of the formation of the Sanibel Vegetation Committee
- Allow all interested City employees to have time to take the Contractor Course
- Address the Committee's recommendations about Australian pines

Council accepted the report.

NEW BUSINESS

Discussion and referral to staff of request from residents to close Nerita Street

Vice Mayor Denham spoke to the request. His recommendation was to ask the residents to conduct a more detailed survey through a letter.

Discussion ensued regarding the request, continue request and residents need to look at items only in the winter months, take no action at this time, and City Manager should not send a letter.

Discussion between liaisons outside of Council

Councilman Rothman spoke to being the alternate to the MPO and Mayor Johnston being the delegate. He further spoke that there was no time to bring an issue up except at a Council meeting for discussion.

Discussion ensued regarding Councilmember's writing a memo so Council was aware of all discussions or actions, and Mr. Cuyler stated that there was no way around the Sunshine Law.

CITY MANAGER'S REPORT

Informational items:

Recruitment and retention of Police Officers

Ms. Zimomra spoke to the following:

- Fallen behind comparable salaries with Police Officers
- Recruiting officers and given seniority for time served

Ms. Zimomra stated that this was not a union issue or union request.

Discussion ensued regarding concern of paying for longevity, Council could change the salary, maintaining an outstanding Police Department, solution was whatever it takes to keep good qualified officers, any increase needs to be performance oriented, match the minimum pay for other police pay scales, not reasonable to increase the rest of City staff salaries, and the Police Force should be considered separately.

Councilman Jennings made a motion, seconded by Vice Mayor Denham, to give the City Manager discretion to enact the conditions in the report in the current fiscal year

Ms. Zimomra stated that in looking at the recommendations for the current fiscal year and just those that have the \$6,700 commitment without any promise for next year.

Council agreed to allow those 3 that had a value of \$6,700 with no promise for next year.

Causeway Vehicle Count – April and May, 2006

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

Calls and status regarding re-capture of exotic peacocks on the Island

Ms. Zimomra gave the following report:

- Responded to 15 calls
- Spending police resources trying to catch peacocks

Status of Public Works Capital Improvements Program for FY 2005/2006

Ms. Zimomra noted that staff was doing more internal monitoring.

Discussion ensued regarding completion dates of a walkover due to turtle season.

Pricing on Recreation Center General Obligation Bonds

Ms. Zimomra called Council's attention to the agenda report.

Invitation from the National League of Cities to be a "Show Case City"

Ms. Zimomra noted the invitation.

Discussion ensued regarding Councilmembers attending and the need for a cost.

Status of agreements for third party pool usage

Ms. Zimomra stated that the City Attorney was working on the agreements.

The Preliminary Redevelopment Planning Work Program DRAFT 2005-06 – 2006-07 Schedule of Tasks, Reports, Meetings and Actions

Ms. Zimomra stated that the work program and schedule was in the agenda packet.

Planning Department application comparisons

Ms. Zimomra called Council's attention to the comparison report.

Status of Sanibel Beautification grant application and presentation on July 11, 2006 from the Lee County Roadway Landscape Advisory Committee

Ms. Zimomra stated that the matching grant money was already appropriated.

Ground Breaking Ceremony, Wednesday, June 21, 2006 at 11:00 a. m. at the Recreation Center, 3840 San-Cap Road

Ms. Zimomra reminded Council of the ceremony.

Council recommended that Armand Ball, Chair of the Parks and Recreation Committee participating with a shovel, and recommended that Marty Harranty participate.

Council decided that if they wanted to call someone during their comments that would be appropriate.

Locally Owned Business Roundtable discussions at SCA 2173 Periwinkle Way 8:00 to 10:00 a. m. – Friday, June 23, 2006, Saturday, June 24, 2006 and Monday, June 26, 2006

Ms. Zimomra reminded Council of the Roundtable scheduled meetings. She passed out information to Council for their participation.

City Manager/Chief of Police meeting with Faith Based Community (Friday, July 21st at 8:00 a. m.), and Medical Community (Thursday, July 20th at 7:30 a.m.)

Ms. Zimomra called Council's attention to scheduled above-mentioned meetings.

CITY ATTORNEY'S REPORT

None.

PUBLIC COMMENT

Billy Kirkland asked to come before Council regarding private use of segways on the island.

Mr. Cuyler stated that when a citizen wanted to get on the agenda they were advised to come before Council to request to be placed on an agenda.

COUNCILMEMBERS' REPORT

Report from 061206 Roadmap to Florida's Future, Strategic Plan for Economic Development

Report in the agenda packet.

Report regarding attendance at the Regional Planning Meeting

Report in the agenda packet.

Report from Horizon Council meeting

Report in the agenda packet.

There being no further the meeting was adjourned at 7:00 p. m.

Respectfully submitted by,

Pamela Smith, CMC
City Clerk