

SANIBEL CITY COUNCIL MEETING
AUGUST 31, 2004

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

Members present: Mayor Harry, Vice Mayor Walsh, Councilman Brown, Councilman Jennings and Councilmember Workman.

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

PRESENTATION:

Employee of the Third Quarter.

Councilmember Workman recognized Mike Claney as the Employee of the Quarter for the third quarter.

Public Comments:

Marie Gargano thanked City staff for their assistance during Hurricane Charley. She also spoke to County lobbyist expenditure to build the Causeway bridges.

Cyril Iver-Rublin also thanked City staff.

Alan Winslow also thanked City staff. He also spoke to his concern of the increased millage rate that Council passed at the July 20, 2004.

Alan Winslow spoke a second time regarding more cost from Hurricane Charley.

Karen Strayhorn thanked City staff and suggested putting together of an album of Hurricane Charley.

Council Comments:

Councilman Brown spoke to the restoration period from Hurricane Charley. He also spoke to the re-instituting of the tolls prematurely by Lee County. He further spoke to traffic problems.

Vice Mayor Walsh thanked Council for their work during Hurricane Charley in his absence.

Councilman Jennings spoke to the Presidential Primary and thanked City staff for a reverse 911 call reminding residents to vote. He also thanked City staff and volunteers.

Councilmember Workman spoke to the issue of Lee County imposing tolls after Hurricane Charley. She also spoke to the lobbying contract Lee County agreed upon to lobby the Coast Guard in the amount of \$276,000.

Discussion ensued regarding the Lee County lobbyist contract and writing a letter regarding contract and a letter to the Coast Guard requesting an Environmental Impact Study, letter recognizing the U. S. Fish and Wildlife.

Hurricane Update by City Manager Zimomra:

Ms. Zimomra gave the following update:

- Twice per week garbage collection
- Vegetative waste should not be put in plastic bags
- August 29th 1,068 truck loads of vegetative waste – 139,000 cubic yards
- Monitoring system put in place to ensure FEMA re-imburement

- City staff at burn site
- Vegetation Committee would be holding weekly vegetation class and testing until October starting September 10, 2004
- Open Trost parking lot for a vegetation drop off area for private vegetation contractor and Island Inn Road currently an industrial site for large utility trucks
- Preparing a letter to the Governor to request a one (1) year extension on all grants
- Explained FEMA formula 75%/25% with State paying 12.5%
- Estimate of debris removal would be approximate \$6 million cost
- Emergency protective element approximately \$4 million cost
- Temporary help to document residents claimants of damage by City contractor

Discussion ensued regarding all claims investigated, photographed and submitted to the City's insurance company.

Ms. Zimomra continued her update:

- Loss of revenue for beach parking
- No discharges at the two (2) sewer plants

Chief Tomlinson spoke to re-entry to Sanibel:

- Resort able to open be allowed to get hurricane passes for guest
- Open the island to business on Friday, September 03, 2004 with anticipation of traffic problems due to debris removal

Discussion ensued regarding Australian Pines falling after Hurricane Charley, further tree removal on major arterial roads and FEMA allowed if a tree was determined by Dr. Loflin to be unsafe it could be removed, bike paths, beach access and parking lots would remain closed and resort responsibility to safeguard customers.

Mr. Zimomra continued:

- City Manager and Finance Director meeting later today to re-tooling the FY 2004-05 budget
- Meteorologist on contract to help forecast impending storms
- Announced that people need to be cautious standing, parking, etc around and under the Australian Pines

Discussion ensued regarding Captiva resorts, but Lee County was responsible for Captiva, Hurricane Frances

Public Comment:

Jane Roshberg asked for a solution of getting hurricane passes to guest, are hurricane passes needed.

Ms. Zimomra stated that beaches initially had bad water quality. Most public beach access have experienced access and safety problems and would remain closed. She further stated that those accesses that were deemed unsafe are closed off with yellow caution tape. She also stated that after August 31 hurricane passes would no longer be needed.

Planning Commission Report.

John Dillon gave a brief report of the August 10, 2004 Planning Commission.

CONSENT AGENDA:

- a. **RESOLUTION 04-081 AUTHORIZING THE MAYOR TO SIGN A JOINT RESOLUTION BETWEEN THE CITY OF SANIBEL AND LEE COUNTY BOARD OF COUNTY COMMISSIONERS PERTAINING TO THE CITY'S PARTICIPATION IN THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, FEDERAL FISCAL YEARS 2005, 2006 AND 2007; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 04-081.

Vice Mayor Walsh made a motion, seconded by Councilmember Workman, to adopt Resolution 04-081.

Discussion ensued regarding more incorporated areas lowered the amount that Sanibel receives from Lee County for CDBG grant, which according to the Federal standards was based on population and need.

The motion passed unanimously.

- b. **RESOLUTION 04-087 AUTHORIZING THE CITY OF SANIBEL'S ACQUISITION, BY GIFT, PURCHASE OR EMINENT DOMAIN, OF A FEE INTEREST OR PERPETUAL EASEMENT INTEREST OF PROPERTY DESCRIBED HEREIN FOR A PORTION OF THE DINKINS BAYOU TO CLAM BAYOU TIDAL RESTORATION PROJECT; AUTHORIZING THE EXERCISE OF THE CITY OF SANIBEL'S POWER OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY FOR PUBLIC USE OR PURPOSE; DETERMINING THAT IT IS NECESSARY TO PERFORM A PUBLIC PROJECT BY CONSTRUCTING A CULVERT AND DRAINAGE FACILITY WITHIN THE DESCRIBED PROPERTY AND UNDER SANIBEL-CAPTIVA ROAD AS PART OF THE TIDAL RESTORATION PROJECT; SETTING FORTH THE PUBLIC PURPOSE AND PUBLIC NECESSITY OF SUCH PROJECT; DESCRIBING BOUNDARIES OF THE PROJECT; DETERMINING THAT THE ACQUISITION OF SUCH PROPERTY IS FOR A PUBLIC PURPOSE AND IS NECESSARY TO ACCOMPLISH THAT PURPOSE; AUTHORIZING AND DIRECTING APPROPRIATE STAFF TO COMMENCE GOOD FAITH PRE-LITIGATION NEGOTIATION PROCESSES; AUTHORIZING LEGAL COUNSEL TO INSTITUTE CONDEMNATION PROCEEDINGS FOR PROPERTIES THAT CANNOT BE PURCHASED THROUGH PRE-LITIGATION NEGOTIATIONS; AND PROVIDING AN EFFECTIVE DATE.**

Ms. Zimomra read the title of Resolution 04-087.

Vice Mayor Walsh made a motion, seconded by Councilman Jennings

Discussion ensued regarding the use of eminent domain and City hopes to resolve the issue without eminent domain.

Public Comment:

None.

The motion passed unanimously.

BOARDS, COMMITTEES AND COMMISSIONS:

Report by the Planning Commission regarding the Annual Review of the Land Development Code Permitting Process.

Mr. John Dillon gave a brief report regarding the Annual Review of the Land Development Code.

Council recessed at 10:16 a. m.

Council reconvened at 10:25 a. m.

OLD BUSINESS:

RESOLUTION 04-095 EXTENDING THE STATE OF LOCAL EMERGENCY DECLARED BY THE CITY OF SANIBEL FOR AN ADDITIONAL WEEK; REVISING AND EXTENDING THE PROVISIONS OF EMERGENCY PROCLAMATIONS AND RESOLUTIONS NO. 04-088 AND 04-089; AND PROVIDING AN EFFECTIVE DATE.

Ms. Zimomra read the title of Resolution 04-095.

Mr. Cuyler stated the following should be amended in Section 1to change the date of September 08, 2004 to **“September 03, 2004.”**

Discussion ensued regarding the resolution, island closed due to public safety, date to restore everyone to the island, topping the remaining Australian Pines, LCEC remains on the island for continued repairs and tracking Hurricane Frances.

Vice Mayor Walsh made a motion, seconded by Councilmember Workman, to adopt Resolution 04-095.

Public Comment:

None.

The motion passed unanimously.

Approval of the recommendation for the top-ranking firm for the proposed recreation facility construction manager.

Ms. Zimomra stated this recommendation did not require any expenditure of funds.

Vice Mayor Walsh made a motion, seconded by Councilmember Workman, to approve the recommendation of the top-ranking construction manager.

Public Comment:

None.

The motion passed unanimously.

Request for approval of Causeway Boulevard design.

Bruce Rogers, Planning Director and Gates Castle, Public Works Director spoke to Council regarding the approval of the Causeway Boulevard design with the following points:

- Provide for the safety of the public whether in vehicles, on bikes or on foot
- Have the entrance to Sanibel Island appear as natural as possible
- Preserve in place as much native vegetation as possible
- Minimize amount of paving
- Minimize area needed for drainage retention minimize construction costs
- Provides for a left turn in lane to the Sanibel boat ramp and Sextant Drive

- Does not provide for a left turn acceleration lane
 - Would creates 2 parallel lanes requiring motorist to look to the right
 - Sextant Drive resident do not think the 16.5 foot lane width was not sufficient, but meets safety standards
 - No provisions to seek refuge if a vehicle were pulling a trailer
- Minimize paving and natural runoff flow would be to the east side of Causeway Boulevard

Discussion ensued regarding objections in e-mails was regarding a curb, curb installed to up-hold the planted medians and changes involved was the treatment on the north side would be bullet shaped rather than round.

Public Comment:

Nick Shapo, Manager of Mariners Point spoke to the amount of vehicles coming in and out of Sextant Drive and residents concerned that there was a safety issue. He asked Council to reconsider the drawing by allowing a 50 to 100 foot lane for vehicles to pull out of Sextant Drive.

Discussion ensued regarding the turning lane defining the area that vehicles should be and minimum safety standards were always used on Sanibel.

Vice Mayor Walsh made a motion, seconded by Councilmember Workman, to approve the recommendation.

Public Comment:

Karen Storjohann asked about the transition of speed limit. She also spoke to two left turn lanes.

The motion passed four to one with Councilman Jennings voting in opposition, and Mayor Harrity, Vice Mayor Walsh, Councilman Brown and Councilmember Workman voting in favor of the motion.

Council recessed at 11:26 a. m.

Council reconvened at 11:32 a. m.

Mayor Harrity announced that Council would be going in to the Executive Session relating to union negotiations until approximately

Council convened into Executive Session at 11:33 a. m.

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

**Sanibel City Council
Sanibel City Manager Judie Zimomra
Sanibel City Attorney Kenneth Cuyler
Jim Isom, Manager of Administrative Services
Renee Lynch, Finance Director**

Council reconvened in to open session at 12:50 p. m.

Council recessed at 12:50 p. m.

Council reconvened at 1:05 p. m.

NEW BUSINESS:

RESOLUTION 04-083 OF THE SANIBEL CITY COUNCIL REQUESTING THAT THE LEGISLATIVE DELEGATION INTRODUCE AND SUPPORT AN AMENDMENT TO SECTION 372.667, FLORIDA STATUTES, ENTITLED “FEEDING OR ENTICEMENT OF ALLIGATORS OR CROCODILES UNLAWFUL; PENALTY”, IN ORDER TO INCREASE THE PENALTY SET FORTH IN SUBSECTION (3) FROM A SECOND DEGREE MISDEMEANOR TO A THIRD DEGREE FELONY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Zimomra read the title of Resolution 04-083

Councilman Jennings made a motion, seconded by Mayor Harrity, to adopt Resolution 04-083

Mr. Cuyler explained that Resolution 04-083 would request our legislatures to introduce a bill increasing the penalty and fine.

Discussion ensued regarding the type of felony and penalties and if Dr. Loflin and U. S. Fish and Wildlife reviewed the proposed legislation.

Vice Mayor Walsh made a motion, seconded by Councilman Brown to table until a later date.

The motion passed unanimously.

Discussion regarding the necessity of a special council meeting, which could be scheduled for Tuesday, September 7, 2004.

Mayor Harrity asked Council if they thought there was a need to have a Council meeting on Tuesday, September 07, 2004.

Discussion ensued regarding calling a Special Meeting versus to regularly scheduled meeting of September 07 that was postponed until Saturday, September 11, 2004.

Scheduling of Council’s next discussion of the pending lawsuit of City of Sanibel vs. Lee County and the Board of County Commissioners, its governing body.

Council scheduled discussion for September 11, 2004.

Authorization for the City Manager to execute two contracts for Hurricane related functions requiring temporary services relating to disseminating Public Information regarding health and safety issues and a Citizen Assistance Site Coordinator.

Vice Mayor Walsh made a motion, seconded by Councilman Jennings, to authorize the City Manager to execute the contracts.

Public Comment:

None.

The motion passed unanimously.

Ms. Zimomra explained the issues facing Council on upcoming agendas. She asked Council if they wanted to begin the meeting at 9:00 a. m. in recognition of 9/11.

Council decided a 9/11 commemorative program would be appropriate.

RESOLUTION 04-093 AMENDING THE CLASSIFICATION PLAN FOR CITY EMPLOYEES FOR FISCAL YEAR 2003-2004 TO PROVIDE FOR THE HIRING

OF TEMPORARY EMPLOYEES TO ASSIST IN THE RECOVERY EFFORTS FROM HURRICANE CHARLEY; AND PROVIDING AN EFFECTIVE DATE:

Ms. Zimomra read the title of Resolution 04-093. She explained that the new positions would be the following:

- Hurricane Worker I
- Hurricane Worker II
- Hurricane Worker III

She further explained that FEMA advised all temporary hires would be reimbursed. She also explained that the current staff does not have the capacity

Vice Mayor Walsh made a motion, seconded by Councilmember Workman, to adopt Resolution 04-093.

Public Comment:

None.

The motion passed unanimously.

Ms. Zimomra advised the following:

- J. N. Ding Darling would not be open for business until September 08, 2004
- Small Business Association was located at the Sanibel Community Association (SCA)

CITY MANAGER'S REPORT:

Informational items:

Status of Agreement with Sanibel Community Association (SCA).

Ms. Zimomra explained that September 30, 2004 the contract with SCA would expired. She noted that if Council so desired she would work to negotiating a new contract.

Council agreed to allow the City Manager to negotiate the SCA contract.

Community Housing Resources (CHR) Annual Report.

Ms. Zimomra noted that the report was in the Council packet.

Update regarding Library Interlocal Agreement negotiations.

Discussion ensued regarding the County not interested in another long standing Interlocal Agreement and Lee County recommended that the Sanibel Library become their own entity, Councilman Brown read an e-mail from Bob Pritt, attorney for the Sanibel Library Board of Trustees, Council approved previously the authority for Mr. Pritt to work with the Library Board of Trustees, letter to Lee County regarding refusing to meet with the library due to the City law suit, letter of support to the Sanibel library, Ms. Zimomra suggested that she would work with Pat Allen, Sanibel Library Director to prepare a letter and bring back to Council at the September 11, 2004 meeting.

Council agreed to the letter.

FY 2002-2003 Audit and Financial Condition Assessment by Marty Redovan, CPA Schultz, Chaipel and Company.

Mr. Marty Redovan gave the following audit report:

- Focusing on City-wide financial statements and on full accounting accrual (fixed assets and depreciation of debt)
- Enhancements in reporting the City's financial statement

Discussing ensued regarding regular roadway maintenance and appear in fixed assets, Periwinkle Way and San-Cap Road within the County assets, major improvements of County roads done by the City and included in fixed assets with depreciation.

Mr. Redovan continued:

- An unqualified statement issued for the City's audit
- Need for additional staffing for the utility system
- Procurements card bills should be completed in a timely manner to show on the correct monthly statement
- Grant request submittal invoices delayed due to lack of personnel

CITY ATTORNEY'S REPORT.

None.

COUNCILMEMBERS' REPORT.

Councilmember Workman stated that St. Michaels Church extended an invitation to attend a covered dish supper Wednesday, September 01, 2004 at 6:00 p. m. to thank staff, volunteers and etc.

Vice Mayor Walsh stated that Sanibel and Captiva voters were being charged \$3.00 to vote. He further stated there was suppose to be a detail analytical report on the Causeway and was delayed due to Hurricane Charley.

PUBLIC COMMENT.

Marie Gargano spoke to a contractor speaking to the general public and had not come across anyone on the island that wanted to replace the drawbridge. She further stated that she had an e-mail from Lee DOT being proud of themselves that Sanibel City Council did not send a letter to the Coast Guard request an Environmental Impact Study. She also spoke to the tolls and research for ways to work together.

Discussion ensued regarding status of appointment of the Lee County attorney and certification not completed for petitions.

There being no further business the meeting was adjourned at 2:25 p. m.

Respectfully submitted by,

Pamela Smith, CMC
Deputy City Clerk