

**SANIBEL CITY COUNCIL REGULAR MEETING  
OCTOBER 07, 2008**

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

Members present: Mayor Denham, Vice Mayor Ruane, Councilman Jennings and Councilmember Johnston. Councilman Pappas was absent.

Councilmember Johnston gave the Invocation and led the Pledge of Allegiance.

**PRESENTATION(S)**

**Proclamation proclaiming October 23 through October 31, 2008 as Red Ribbon Week**

Mayor Denham read the proclamation and presented it to Chief Tomlinson

Mayor Denham spoke to the announcement that Lee County would be cutting funding for School Resource Officers.

**Recognition of Employee of the Quarter, 4<sup>th</sup> Quarter, FY 2007-2008**

Mayor Denham announced that Lance Luna, Public Works was the Employee of the 4<sup>th</sup> quarter.

Mr. Luna thanked City employees for his nomination. He further spoke to enjoying City employment.

**Public Comment**

Hazel Schuller read from an undisclosed news article regarding segways. She requested the code be revised to abide by the official land use maps.

Karen Storjohann spoke to the inability of Council, Planning Commission and audience to see as it affects health and safety. She suggested recognizing the fact that residents attend meetings.

Billy Kirkland spoke the valuable job that Council and the Planning Commission performs.

Ed Seibert spoke to an article in the News Press of the I-35 bridge in Minnesota collapsing and the inauguration of the new bridge in September, 2008. He also mentioned new sensors included in the construction.

Mike Valiquette spoke to the concept of a large amount of people at the last Planning Commission meeting, and important discussion should be during season.

Discussion ensued regarding the City was operated every day of the year, and emails use for information.

**Council Comments**

Vice Mayor Ruane spoke to the financial markets as follows:

- City had originally \$27 million in the SBA pool
- As of October \$2 million
- Transfers today from Pool B to Pool A
- Discussion with SBA staff regarding increase the ability to remove 65% of funds rather than 50%
- Would create \$1.4 million of liquidity
- Money would be released slower and by the end of year
- Would continue to review remaining investments, which were corporate notes

- Removing remainder of funds by end of year

Discussion ensued regarding City in a good position, continued to monitor funds over the last 9 months and only \$1.3 million left in Pool B, City staff acting quickly, Ms. Zimomra stated that staff continues to monitor SBA pool daily and following Council's clear direction by removing funds when allowed.

Mayor Denham announced that Councilman Pappas called and advised that he would be absent, but did not request to be excused.

Mr. Cuyler stated that it was Council's decision to excuse Councilman Pappas.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to not excuse Councilman Pappas.

The motion carried.

Mayor Denham spoke to the disaster and numerous missing people in Galveston, Texas from Hurricane Ike.

Councilmember Johnston thanked Vice Mayor Ruane for taking the lead in the SBA funds.

### **Planning Report**

Patty Sprankle gave the following September 23, 2008 Planning Commission report:

- 4725 Rue bel Mur hearing re-opened the hearing due to submission of revised plans
- Approval construction of the new medical building at 600 Tarpon Bay Road

First Reading of an ordinance and scheduling of public hearing.

**ORDINANCE 08-016 PROPOSING AN AMENDMENT TO ARTICLE III, "LEGISLATIVE", TO ADD A NEW SECTION 3.19 TO THE SANIBEL CITY CHARTER (AS CODIFIED) TO BE ENTITLED "PROHIBITION OF MOTORIZED DEVICES ON PATHS"; PROPOSING A CHARTER PROHIBITION ON THE USE OF A MOTORIZED CONVEYANCE OR DEVICE ON THE BICYCLE / SHARED USE PATHS WITHIN THE CITY OF SANIBEL, SUCH MOTORIZED CONVEYANCE OR DEVICE TO INCLUDE, BUT NOT BE LIMITED TO, ANY MOPED, MOTORSCOOTER, MOTORIZED BICYCLE AND/OR ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE (ALSO COMMONLY AND COMMERCIALY SOMETIMES KNOWN AS A SEGWAY); PROVIDING AN EXCEPTION FOR USE OF SUCH MOTORIZED DEVICES FOR OFFICIAL PURPOSES; PROVIDING AN EXCEPTION FOR USE OF MOTORIZED DEVICES CERTIFIED AND APPROVED UNDER THE AMERICANS WITH DISABILITIES ACT; ESTABLISHING AN ELECTION DATE PURSUANT TO SECTION 7.01(a) OF THE SANIBEL CITY CHARTER (AS CODIFIED) FOR THE ELECTORATE TO VOTE UPON THE PROPOSED AMENDMENT TO THE SANIBEL CITY CHARTER; PROVIDING FOR THE CONDUCT OF THE ELECTION BY THE LEE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING BALLOT LANGUAGE; PROVIDING FOR NOTICE OF ELECTION AND CANVASSING OF RESULTS; PROVIDING FOR ELECTION AND EFFECTIVE DATE OF AMENDMENTS UPON REFERENDUM APPROVAL; AND PROVIDING AN EFFECTIVE DATE**

(Councilman Pappas) (Staff received a subsequent memo from Councilman Pappas enclosed in agenda packet requesting that this item not be scheduled for second reading/public hearing)

Ms. Zimomra read a memo from Councilman Pappas requesting the item be removed from the agenda.

Mr. Cuyler spoke to the following:

- Previously scheduled for a 1<sup>st</sup> reading that would have placed a ballot question on the general election
- Councilman Pappas requested this be brought forward for a 1<sup>st</sup> reading at the September 16<sup>th</sup> Council meeting
- Councilman Pappas request this not be heard, and there would be no ballot question on the March, 2008 ballot
- Discussions with Wayne Ponader, who created the ordinance, regarding legal and safety issues

Discussion ensued regarding Council discussing an item before being adding the item to an agenda, rarely hear items walked on an agenda, Council previously agreed no to accept walk-on items and significant Council requests would not be sent to staff later than Friday evening before a Council meeting.

Public Comment

Billy Kirkland stated this was not an issue that needed to be added to the Charter, as well as an adopted ordinance.

**ORDINANCE 08-017 OF THE CITY OF SANIBEL CHANGING THE QUALIFYING PERIOD FOR CANDIDATES OF THE CITY'S GENERAL ELECTION OF MUNICIPAL OFFICERS TO A PERIOD BEGINNING AT NOON ON THE SECOND MONDAY IN JANUARY OF ODD NUMBERED YEARS AND ENDING AT NOON ON THE FRIDAY IMMEDIATELY FOLLOWING; AMENDING THE SANIBEL CODE, PART 1, CHARTER, ARTICLE V, "NOMINATIONS AND ELECTIONS"; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 08-017.

Council set the second reading and public hearing for 9:15 a. m.

Second Reading and Public Hearing(s)

**ORDINANCE 08-014 AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, AMENDING CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION II, PERMITS, SECTION 66-85 - FEES; HOURS, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; AMENDING THE FEE SCHEDULE IN SECTION 66-85; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 08-014. Ms. Zimomra stated there had been numerous discussions.

Councilman Jennings made a motion, seconded by Vice Mayor Ruane, to adopt Ordinance 08-014.

Public Comment

None.

The motion carried. Councilman Pappas was unexcused.

**ORDINANCE 08-015 AMENDING CITY OF SANIBEL ORDINANCE NO. 07-014, AS AMENDED, WHICH ESTABLISHED MEMBERSHIP FEES FOR THE CITY OF SANIBEL RECREATION CENTER; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 08-015. She stated this would amend the fees and there had been numerous discussions regarding the proposed fee increase and ordinance amendment.

Discussion ensued regarding increased participation at the Recreation Center.

Councilman Jennings made a motion, seconded by Vice Mayor Ruane, to adopt Ordinance 08-015.

Public Comment  
None

The motion carried. Councilman Pappas was unexcused.

**CONSENT AGENDA**

Council pulled (c), (b), (d), (e), (f) and (g).

- c. **RESOLUTION 08-134 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-001 AND PROVIDING AN EFFECTIVE DATE** (To appropriating \$65,000 for treatment of invasive plants within the J. N. "Ding" Darling National Wildlife Refuge with funds provided by a \$65,000 grant from the US Fish and Wildlife Service. Requisition # 41540080035 is attached. This amendment increases the FY08-09 budget by \$65,000. There are \$65,000 of new funds appropriated by this amendment)

Vice Mayor Ruane spoke to Council's previous discussion regarding increasing the budget. He further spoke to by accepting grants the budget was increased and by accepting the grants on today's agenda it would increase the budget.

Discussion ensued regarding accepting grants was not creep and grants categorized as environmental and safety, grants make it possible to complete projects, none require a matching funds, the police dock match was in last year's budget, recognize the \$262,000 loss of funds in the SBA, investment income from the SBA was a good return and net effect was greater than if funds were in treasury bills, continuing to review the budget throughout the year in great detail, and no new tax funds supporting projects.

- d. **RESOLUTION 08-136 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-071 AND PROVIDING AN EFFECTIVE DATE** (to 1) increase the General Fund FY08 ending fund balance by \$85,000, and by extension, FY09 beginning fund balance, by reducing the legal department professional services budget to reflect actual FY08 expenditures; 2) appropriate \$20,631 of FY08 revenue for Hurricane Charley damages (\$19,172 from FEMA and \$1,059 from the State DCA), and transfer \$2,614 from the General Fund reserve for contingencies to the Hurricane Charley Fund; 3) increase FY08 expenditures by \$22,845 to reimburse BIG Arts for Hurricane Charley; 4) reduce FY08 expenditures in the Recreation Center Construction Project Fund by \$42,858 to recognize that the final expenditures for furniture, fixtures and equipment will be made in FY09; 5) budget investment pool losses through September 30, 2008 (\$203,426 for the General Fund and \$59,343 for the Sewer Fund). (This amendment decreases the FY08 budget by \$180,180. This amendment increases appropriations by \$20,631)

- p. **RESOLUTION 08-135 AUTHORIZING THE CITY MANAGER TO ENTER INTO A THREE-YEAR AGREEMENT WITH LARSONALLEN LLP TO PROVIDE AUDITING SERVICES TO THE CITY OF SANIBEL, WITH A FY 07-08 COST OF \$53,000; AND PROVIDING AN EFFECTIVE DATE** (Funding included in the FY 08-09 budget – approval does **NOT** increase the budget)
- s. **RESOLUTION 08-137 DESIGNATING THE CITY MANAGER, FINANCE DIRECTOR, PUBLIC WORKS DIRECTOR AND THE ADMINISTRATIVE SERVICES DIRECTOR TO ACT ON BEHALF OF THE CITY TO EXECUTE INVESTMENT AND BANK ACCOUNT SIGNATURE CARDS, BANKING RESOLUTION AND CERTIFICATE OF INCUMBENCY, AND RELATED DEPOSIT ACCOUNT DOCUMENTATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of Resolutions 08-134, 08-136, 08-135, and 08-137.

Vice Mayor Ruane made a motion, Councilmember Johnston seconded by to adopt Resolutions 08-134, 08-136, 08-135, and 08-137.

Public Comment  
None.

The motion carried. Councilman Pappas was unexcused.

- l. Award contract to C.A.N. Construction, Inc., for Carbon Media Removal and Replacement Services in the amount of \$128,240 and authorize the City Manager to execute same (the odor control system at Donax Water Reclamation Facility utilizes a carbon media filter to remove hydrogen sulfide gas. Periodically the carbon media needs to be removed and replaced with new media. These funds were included in the budget approved. Does **NOT** increase the FY 08-09 budget)

Mr. Gates Castle spoke to the following:

- More than media replacement
- Instituting structural changes in the bottom of the filter beds that support the beds
- Recurring \$80,000 expense every 3 years
- Takes Hydrogen Sulfide out

Discussion ensued regarding neighborhood concerns of odor, continue to monitor odor, and Ms. Zimomra stated that under Council's direction staff works with the neighborhood, previously invested in an odor control mechanism, important to maintain, any other alternatives to deal with odor control, Mr. Gates answered this was an upgraded media, but was the method chosen by Council and to change would require redesigning the system, he further stated that Council would be possibly approving the hire of a new wastewater firm and they would be reviewing new technology.

- a. **Approval of minutes – September 06, 2008 First Budget Hearing, September 16, 2008 Regular Meeting and September 16, 2008 Final Budget Hearing**

Discussion ensued regarding a clerical error in the ending balance, discussions on budget at the September 16<sup>th</sup> Council meeting, after the meeting found an error in the reserves that showed \$12.5 million in reserves, rather than \$9.9 million in reserves, and discussed with the City Manager and City Attorney, Mr. Cuyler stated that he and the City Clerk were cognizant of being careful not to change minutes and reflect what was said, but could add to minutes to clarify incorrect information, different language to be inserted "\$12.5

million reserve number was an incorrect number and overstated by \$2.5 million and the actual ending total reserve was \$9.9 million.”

Vice Mayor Ruane made a motion, seconded by Mayor Denham, to amend the September 16, 2008 final budget hearing minutes as follows: “\$12.5 million reserve number was an incorrect number and overstated by \$2.5 million and the actual ending total reserve was \$9.9 million.”

The motion carried. Councilman Pappas was unexcused.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt the September 06, 2008 First Budget Hearing meeting minutes and the September 16, 2008 Regular meeting minutes.

The motion carried. Councilman Pappas was unexcused.

- b. Approval of a grant from U. S. Fish and Wildlife Service for exotic plant control on Sanibel Island in the amount \$65,000 and authorize City Manager to execute same (this is a continuation of the City’s Brazilian Pepper Removal Program on Federal lands. Acceptance of this grant increases the budget by \$65,000)
- e. Approval of a grant from U. S. Fish and Wildlife Service for the environmental restoration of the former site of the Sea Oats Sewage Treatment Package Plant in the amount of \$25,000 (this project is a planned environmental restoration of a former sanitary sewer package site on environmentally sensitive land. This grant will increase the budget by \$25,000)
- f. Acceptance of a grant from the West Coast Inland Navigation District (WCIND) in the amount of \$47,186 for services, materials, and equipment to provide for Marine Law Enforcement and authorize the City Manager to execute same (This grant re-imburses the City for manatee patrol in City and County waters. The grant increases the City budget by \$46,186)
- g. Acceptance of a grant from West Coast Inland Navigation District (WCIND) in the amount of \$60,000 for the Police Department boat dock, boat lift and emergency barge landing facility. (The City budget includes \$110,000 towards this joint Capital Improvement project. The total cost for this project is \$190,000. The Sanibel Fire District is scheduled to contribute \$40,000. Additionally, this WCIND grant contributes \$60,000 towards the project. This grant increases the budget by \$60,000)
- h. Request from the Sanibel Community Association, 2173 Periwinkle Way, for 35 Special Event Permits in addition to the 6 permits allowed by the Code of Ordinances
- i. Award contract to C. W. Roberts Contracting, Inc. for 2008 Street Resurfacing project Phase 2 in the amount of \$581,540 and authorize the City Manager to execute same (first phase of project involved resurfacing of 5 road segments (completed) Phase 2 involves resurfacing 8 streets, construction of a right turn lane for Lindgren Boulevard, paving Junonia Street and paving road shoulders, road radii and driveway radii. Funding is available in the Capital Improvements portion of the FY 08 09 budget)

- j. Approve a Professional Services Agreement with Johnson Engineering, Inc., to perform the City's FY 08/09 National Pollutant Discharge Elimination System Permit (NPDES) work in the amount of \$81,761 and authorize the City Manager to execute same (This contract includes \$45,000 from a grant previously received, approved and budgeted in the FY 07-08 year from South Florida Water Management District (SFWMD), the remainder funded by the City of Sanibel. Approval of this contract does **NOT** increase the FY 08-09 budget)
- k. Award contract to Konstruct, Inc., for Historical Village Authentic Outhouse (Restrooms) in the amount of \$31,883.50 and authorize the City Manager to execute same (this project is funded 100% by a Tourism Development Council (TDC) reimbursement grant – no match required. This grant was included in the FY 08-09 budget and does **NOT** increase the FY 08-09 budget)
- l. Award contract to C.A.N. Construction, Inc., for Carbon Media Removal and Replacement Services in the amount of \$128,240 and authorize the City Manager to execute same (the odor control system at Donax Water Reclamation Facility utilizes a carbon media filter to remove hydrogen sulfide gas. Periodically the carbon media needs to be removed and replaced with new media. These funds were included in the budget approved. Does **NOT** increase the FY 08-09 budget)
- m. Approve Tetra Tech Utility Advisory Services to perform the City's wastewater engineering and utility services for the next three years; Approve a Professional Agreement for Wulfert Water Reclamation Facility operating permit renewal work in the amount of \$15,030 and authorize the City Manager to execute same (Funds included in the budget – approval does **NOT** increase the FY 08-09 budget)
- n. Award contract to Canoe Adventure, Inc., for Sanibel River clearing in the amount of \$100,000 as a sole source vendor (Sanibel River maintenance program allows for proper flow during periods of high water. The 2009 maintenance work involves removal of debris and tree fall from Tarpon Bay Road to Chateau Sur Mer. Canoe Adventures, Inc., is the only company capable to perform work while protecting the vegetation and wildlife. Funds included in the FY 08-09 budget, \$55,000 funding from a previous South Florida Water Management District (SFWMD) grant previously received and funded, approval does **NOT** increase the FY 08-09 budget)
- o. Annual request from Sanibel-Captiva Chamber of Commerce for City sponsorship of the Luminary, December 5, 2008
- q. Approval of an Audit Engagement Letter from LarsonAllen, LLP for the fiscal year ending September 30, 2008, and pursuant to Section 9 of the Audit Agreement and authorize the City Manager to execute same
- r. Approval of an agreement with Geographic Technologies Group, in the amount of \$19,800 to perform a GIS Needs Assessment and Develop a Return on Investment based long range GIS Implementation Plan and authorize the City Manager to execute same (This project does **NOT** increase the FY 08-09 budget. There are no new funds appropriated by this project)

Mayor Denham made a motion, seconded Councilmember Johnston, to approve Consent Agenda items b, e, f, g, h, I, j, k, l, m, n, o, p, q, and r.

The motion carried.

Councilman Jennings thanked the City Clerk for the completion of the minutes in a timely manner.

Council recessed at 10:00 a. m.

Council reconvened at 10:13 a. m.

## **OLD BUSINESS**

### **Water Quality Issues**

#### **Reports from City Council members**

#### **Report on attending the 2008 Water Congress Summit in Orlando**

Mayor Denham gave the following report:

- Attended the Water Congress Summit
- One of 100 delegates
- Delegates divided into groups
- 18 items suggested prioritized to 4 items
- Would bring to Florida League of Cities Committee – Energy and Environmental Quality Committee

Discussion ensued regarding what happens to the summit decisions, recommendations would go to the Florida 2050 Century Committee, Century Committee would take recommendation to the legislature, cost differential of items, decision making would take place in the overall economy, 50% of potable water produce used for irrigation, great pressure to make sure that people keep their jobs, desalination had not been previously successful, Councilman Jennings congratulated the Mayor on being Vice-Chair, Tampa has a group effective in legislature, approach water issues in safe guarding jobs, and need to put water quality in an economic context.

### **Staff Reports**

#### **Water storage acreage by Army Corps of Engineers (ACOE) and South Florida Water Management District (SFWMD)**

Dr. Loflin spoke to the following:

- After extreme water release Carol Wehele, Executive Director gave presentation
- Acreage given for immediate water storage
- Land south of Lake Okeechobee Holyland, Rothberger and EAA properties for water storage
- Management of Rothberger and Holyland lands management by Florida Fish and Wildlife rejected proposal due to wildlife issues
- No acreage south of Lake Okeechobee
- All funds diverted to the purchase of US Sugar land
- Total acreage north of Lake Okeechobee – 1 million to 1.5 million acre feet
- .5 million acre feet only temporary storage
- 1 million acreage would be water storage

Discussion ensued regarding questioning providing for water quality acreage, continue to advise the South Florida Water Management District voting on a resolution listing properties to be used for water storage, become more aggressive and vocal as related to the inland port and flow way, attend the November 20<sup>th</sup> Regional Planning Council, Dr. Loflin spoke to the importance of portability, advocate for something that would not harm Glades and/or Hendry counties, understand what the obstacles and advantages are of the inland port, Florida League of Cities Board Meeting discussion of supporting the inland port, land purchase

and other projects must worked, Council requested staff give guidance of flow way south site, Dr. Loflin caution Council in supporting an inappropriate site for the flow way, Councilmember Johnston working with staff to develop a letter to Carol Wehele, chose a Councilmember to fill the vacated seat to deal with important issues, such as water quality issues and understand civic responsibilities, a formal letter regarding acreage for water storage, and Councilmember Johnston to work with staff regarding the above-mentioned letter water acreage letter.

#### Public Comment

Barbara Cooley spoke to SFWMD Board appointments.

Dr. Loflin spoke to numerous letters to Director Wehele, and Councilmember Johnston stated she would work with staff on a letter to the SFWMD.

### **September 25th Lake Okeechobee Weekly Teleconference Update on U. S. Sugar purchase and Everglades Restoration**

Dr. Loflin spoke to the following:

- Ongoing releases at a lower level
- City staff worked to reduce impacts from Lake Okeechobee releases
- Pulse schedule redesigned
- Pulse schedule accepted by the South Florida Water Management District (SFWMD) Board
- S-79 (Franklin Locks) now used to measure water for Lake Okeechobee releases rather than S-77
- S-79 includes water from the basin
- No more than 2,800 to 3,000 cubic feet per second released
- Track daily releases
- Staff able to stop releases higher than 2,800 to 3,000
- St Lucie and other entities going to Colonel Grosskruger to stop releases
- Receiving response and benefit from weekly input meetings

Discussion ensued regarding making progress, and important to understand that staff was monitoring the situation and taking necessary actions.

Council recessed at 10:54 a. m.

Council reconvened at 10:58 a. m.

Council decided to discuss the following agenda item.

**Proposal from Sanibel Dog Club, Inc. to develop a Dog Park, financed by the Sanibel Dog Club, Inc., on City owned property and adjacent SCCF property (proposed to be acquired by the City in exchange for other City lands in Sanibel Gardens Subdivision), such parcels previously used as a burn site after Hurricane Charley and generally located adjacent to and north of Island Inn Road and extending from approximately .25 miles to approximately .33 miles west of Tarpon Bay Road.**

**Memorandum from City Attorney**

**Draft Agreement from City Attorney**

**Draft Agreement with comments, suggestions and revisions proposed by the Dog Club representative**

**Draft Ballot questions**

**Aerial Map depicting the 1.46 acre burn site and 1.4 acre proposed Dog Park area within the burn site**

**Public Works Department estimate of certain Dog Park costs  
Plat Map with Green highlighted parcels depicting City lands to be exchanged for  
SCCF lands**

**Plat Map with Pink highlighted parcels depicting SCCF owned lands to be  
exchanged for City Lands, and Yellow highlighted parcels depicting current City  
owned lands**

**Memo to City Council from Sanibel Dog Club, Inc., President Harvey Sugerman,  
M.D.**

**Proposed Dog Park Budget from Sanibel Dog Club, Inc.**

**Proposed Dog Park Site Plan from Sanibel Dog Park Club, Inc.**

**Florida Division of Corporation Registry of Sanibel Dog Club, Inc.**

**Direction from City Council**

Ms. Zimomra spoke to the following:

- Staff met numerous times with Sanibel Dog Club, Inc.
- Based on schedule of Sanibel Dog Park members the discussion was moved to this meeting
- October 21<sup>st</sup> last date for final referendum language for the March, 2008 ballot
- March, 2008 election date selected due to no additional costs for the referendum

Mr. Cuyler spoke to the following:

- Draft contract provided by City
- Draft ballot questions
- Draft contract with Dr. Sugerman comments
- Agreement contingent on the submittal of ballot questions and electorate approval
- Site work construction, planning and permitting financial responsibility of Sanibel Dog Club, Inc.
- City had certain approval rights, i.e. approval site plan, require financial ability to construct dog park
- Dog Park would construct a turnkey package by Sanibel Dog Park, Inc.
- Dog Park had issues around previous burn site as the dog park
- Designated burn site in hurricane plan and approved by FEMA
- City has discretion of what an emergency would be and no commitment to rebuild the dog park
- Proposed dog park site was mostly City-owned land with an adjacent SCCF land
- Ballot questions 1) exchange of SCCF land for Sanibel Gardens land and 2) takes both parcels out of the Environmental Sensitive Land District

Dr. Sugerman spoke to the following:

- Number 24 – eliminate at the end of the paragraph “the city however reserves the right”
- Agreed to be an open facility from open to dusk
- Follow rules in terms of licensure
- Concern of access

Mr. Cuyler stated that the segment spoken to above was removed in Dr. Sugerman’s draft contract due to Dr. Sugerman’s computer program.

- Rules posted at park
- Park open to everyone
- Sentence included in contract; “If City Council ever finds it necessary or appropriate to develop any kind of pass system or restricted access system (staff does not envision happening) that discretion lies with City Council
- Dr. Sugerman would like add “in consultation with the Sanibel Dog Club, Inc.”

Discussion ensued regarding gate access, the cost of a system, issue permits, concerns that dog would have inoculations and dog club members would monitor, Dr. Sugeran stated that was correct, but now it would be an honor system with rules posted requiring licenses and immunizations, Sanibel Dog Park members police rules, should agreement have a provision if Dog Club decided privileges were abused or if staff did that in consultation with City staff and Dog Club action would be taken, Ms. Zimomra spoke to 2 issues 1) if someone had violated the rules and policy would there be an administrative procedure for said person to be subsequently suspended temporarily or denied future access from the park in consultation with club and staff, Dr. Sugeran spoke to the issue being rare and if someone did not have the appropriate licenses or immunizations they could be told to leave and it would be the responsibility of any person with said knowledge, need only necessary rules, Ms. Zimomra noted that if there was a repetitive issue there may be a simple administrative policy with an appeal process rather than closing the park, and Council and Dr. Sugeran agreed to have the above in the contract.

Dr. Sugeran spoke to using land as burn site and his concern regarding the following language – “a threat of a hurricane.”

Discussion ensued regarding struggling with a timeframe and the pressure to let citizens back on the island after Hurricane Charley, Ms. Zimomra stated the Hurricane Plan has a response time 5 days out, but could add at the 24 hour timeline, could authorize staff to amend the Hurricane Plan at the 36 to 24 hour window, Council agreed, Mr. Cuyler stated the way the contract was written Council had complete discretion and control due to health, safety and welfare matter, Dog Park policy should be integrated within the Hurricane Plan, Dr. Sugeran had contacted a fence company regarding the possibility of sleeves for the post and that would cost several thousand dollars to remove and put back up, removing the fence in case of an emergency to use the property as a burn site, City takes great caution to provide information and would not remove the fencing unless necessary if there were to be a direct hit, could there be FEMA reimbursement, Ms. Zimomra stated that FEMA reimburses preventive measures if it is included in the Hurricane Plan, if fence blows down insurance would then be involved, and Dr. Sugeran agreed with putting in the hurricane plan.

Dr. Sugeran problem “Item 25 – “in the event that the City deems it necessary, City should not have any obligation to reconstruct or replace any facilities or improvements”, he would like the cost split between the City and Sanibel Dog Park.

Discussion ensued regarding if could FEMA re-imbusement be used to remove the fencing and can not be conditional on FEMA re-imbusement, Ms. Zimomra stated that was consistent with B.I.G. Arts and Historical Museum & Village, provide assistance in rebuilding Dog Park after an emergency, expenses would come for FEMA re-imbusement and then funds made available as voted on by Council, concern to become a sound bit to someone opposing the park, Mr. Cuyler stated that if FEMA reimbursement funds would be dedicated to reconstruction, sharing cost, take FEMA/insurance monies only as it would apply to the investment of the Dog Club, should be 50/50 sharing, Ms. Zimomra gave the following example; the Seniors paid 100% of the Fitness Trail and with FEMA re-imbusement after Hurricane Charley for rebuilding the fitness trail at no cost to the Senior, Inc., and/or a budget item voted on by City Council, Mr. Cuyler stated that Council agreed to re-imbusement from FEMA regarding destruction of facilities at the dog park and Council would agree to dedicate that amount of money to reconstruction and City Council would determine to use FEMA and insurance money, and the City and Dog Park would share the remainder of money needed for re-construction, should have a 50/50 sharing, Council agreed to the above to be added to the proposed contract.

#### Public Comment

Karen Storjohann spoke to her concern of a washing station and the interference of island businesses. She further spoke to the City carrying an insurance policy and the cost should be carried by the Dog Club; need muzzle requirement, 4-month old puppies to young to be included in the dog population. She also spoke to the honor system not working in other areas.

Mr. Cuyler stated that the 4-month old dog minimum was included in the rules.

Dr. Sugerman stated the rules were used throughout the United States. He further stated muzzles were not used, and honor-system was used. He also spoke to bidding the fence and the need for water for dogs and people.

Discussion ensued regarding having 2 fences between the small and large dog areas, Dr. Sugerman stated there would be a 6-foot fence, Mr. Cuyler stated the time-frame for construction was 2-years after the referendum, Mr. Cuyler stated Mr. Isom spoke with the Florida League of Cities and there was no additional charge to add the Dog Park to the City's insurance and cost based on claims and total evaluation, if there were excessive claims insurance should be at the expense of the Dog Club, Mr. Sugerman asked if that was the case at the playground, an Mr. Cuyler answered no.

Paul Andrews suggested having no dogs on the beach once the Dog Park was built.

Discussion ensued regarding the wording of the ballot language; Mr. Cuyler explained the ballot questions:

- 2 ballot questions
- 1<sup>st</sup> questions would be the exchange of SCCF land for City land at Sanibel Gardens
- 2<sup>nd</sup> ballot question would propose removing land out of the Environmentally Sensitive Land District
- Dog Club wanted to included the formerly used as a burn site
- Dr. Sugerman suggested adding burn site language
- Council agreed that the burn site should be mentioned
- Completely financed by the Dog Club – not an accurate statement – Dr. Sugerman suggested financed by Sanibel Dog Park

Discussion ensued regarding only 75 words in the body of the ballot question, Why insert consolidation of the SCCF land and City land, Mr. Cuyler stated the discussion was

Erick Lindblad spoke to the SCCF Board discussing the issue and in favor of the ballot language. The question does consolidate land. He further stated the bulk of the SCCF property purchased land along the Sanibel River and SCCF interested in having land along the Sanibel River consolidated and removes SCCF out of the decision making of the Dog Park issue.

Discussion ensued regarding SCCF receives something out of the exchange of land,

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to approve the recommended changes to draft contract, and the ballot questions with reasonable and suggested changes.

Billy Kirkland spoke to his support and asked the City Attorney that it would not be used as a burn site; Mr. Cuyler stated it would be used for any emergency.

The motion carried with Councilman Pappas unexcused.

### **Discussion regarding the Planning Commission terms**

Council by consensus decided it was not appropriate to discuss the issue.

### **Recreation Center Updates and Request for Policy Direction**

#### **Informational Updates**

#### **Volunteer Program**

#### **Three new contractual Fitness Programs for fall (no City funds to be expended)**

#### **Scholarship Update**

#### **Current Membership/Participation**

Ms. Zimomra stated there were several updates and direction to staff. She stated that the request for volunteers was issued with 6 general categories. She also stated that all volunteers go through an extensive background check with CPR and AED training.

She advised that the fall programming was included in the packet.

Chris Deal, Parks and Recreation Director spoke to the Scholarship Assistance Program.

Ms. Zimomra stated this information shows the need, funds already received and pending fundraising events. She explained that the City does not budget anything, and the total needed was \$34,000. She also stated the Parks and Recreation Committee recommendations would be brought to Council.

Discussion ensued regarding the evaluation of scholarships, liaison spoke to the Sanibel School fund helping with the Recreation Scholarship fund, resident had come forward requesting funding a child in the program and could evolve into an additional program.

She also spoke to the participation update in the packet.

## **Policy Updates**

### **Staff recommendation to update Weight Room use policy**

Chris Deal, Recreation Director recommended allowing middle-school aged patron to use the weight room with a guardian and/or counselor and was an industry standard. He further spoke to a waiver would need to be signed by a parent and/or guardian.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to accept the recommendation.

Discussion ensued regarding warm-up before exercising and teaching children the correct warm-up exercises.

Public Comment  
None

The motion carried with Councilman Pappas unexcused.

### **Land aerobics contract renewal (funds included in FY 08-09 budget - no additional funds to be expended)**

Ms. Zimomra stated this was no additional budget, but requesting additional renewal

Vice Mayor Ruane made a motion, seconded by Councilman Jennings, to approve the recommendation.

Public Comment  
None

The motion carried with Councilman Pappas unexcused.

### **Expansion of Water Aerobics Program to twice per day and RESOLUTION 08-138 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-002 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$6,000 from ending fund balance to add a second water aerobics to alleviate the overcrowding in the existing class. This amendment does **NOT** increase the FY 08-09 budget)

Ms. Zimomra read the title of Resolution 08-138. She explained the number of participants.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 08-138

Public Comment

Karen Storjohann spoke to translating volunteer hours to a cost.

The motion carried with Councilman Pappas unexcused.

Ms. Zimomra stated that most organization have a volunteer coordinator that oversee volunteers.

## **COMMITTEES BOARDS COMMISSION**

### **Discussion regarding Advisory Committees and direction to staff**

Ms. Zimomra noted that committee terms were extended through October 31, 2008. She further spoke to members ready to re-organize. She spoke to the Parks and Recreation Committee changing their scope and committee members surveyed for re-appointment.

Discussion ensued regarding if residents want to volunteer, Council should appoint the committees knowing the focus and strategy of each committees, Ms. Zimomra stated that all have existing legislation with a specific focus, re-appoint and look at current legislation, Council did request committees to look at changes to their scope, Parks and Recreation changed their scope and was adopted by Council, Historical Preservation Committee was moved under the Planning Department and revised their scope, Ms. Zimomra noted that the Marine, Vegetation and Wildlife Committee did not change their scope, Wildlife Committee stated that they do not want to be disbanded.

Council by consensus requested that legislation be brought back for appointment of the Historical Preservation and the Parks and Recreation Committees and add discussion of scope for the Marine, Vegetation and Wildlife Committees to the October 21 meeting agenda.

### **Discussion regarding General Employee and Police Pension Boards of Trustees**

Ms. Zimomra the one application had been submitted for the General Employee and Police Pension Board of Trustees. She further stated that the application for Police Pension was from Captiva with an extensive background. She advised that staff would set-up interviews for each Councilmember.

Vice Mayor Ruane requested to be the liaison of both pension boards.

Council agreed.

## **NEW BUSINESS**

### **Request from Lee County Chapter of Military Officer's Association for consideration to waive fees associated with their Special Events Application for Veterans' Day Program**

Ms. Zimomra stated that the Military Officer's Association requested waiver of the \$110 fee associated with the annual Veterans Day Program. She further stated that for those events that Council shared in the cost such as:

- Independence Day Parade
- Luminary
- Seahorse Festival
- Veterans Day Celebration
- Baileyfest (loaning City tents)

Council wanted to grandfather those events and not extend the same waiver to any other event. She reminded Council that they did waive certain fees for the Children's Education fund. She further stated the cost was approximately \$110.

Discussion ensued regarding other clubs coming for Council to waive fees, should say no to those events not grandfathered in the Special Event process.

Councilmember Johnston made a motion, seconded by Councilman Jennings, to waive the fees.

The motion carried with Councilman Pappas unexcused.

### **Sanibel Days Celebration November 2<sup>nd</sup> through 8<sup>th</sup>**

Linda Kramer explained the event and requested that City Council participate.

Discussion ensued regarding City Council inviting people to the Council meeting on November 4th, have a proclamation to celebrate Sanibel week at the next Council meeting and involved in the Community Center kick-off.

Discussion ensued regarding including the business community.

Ms. Zimomra asked if the proclamation was for the October 21, 2008 meeting and Council answered yes.

## **CITY MANAGER**

### **Informational Items**

#### **Revised schedule of General Fund Ending Fund Balance**

Ms. Zimomra spoke to an error found by Vice Mayor Ruane regarding the ending reserve fund balance and the earlier discussion to clarify those minutes.

#### **Building Department Permits and Inspections Monthly Report**

#### **Building Department Monthly Revenue Accumulative as of September 30, 2008**

#### **August, 2008 Causeway Counts**

#### **Student Government Day, Thursday, November 6<sup>th</sup>**

Ms. Zimomra spoke to the memorandum regarding housing prices. She also spoke to receiving a revised evaluation number and would be bringing the Council modifications in the budget to reflect were the City would be in the next nine months. She explained that the last evaluation information was 2 years old and the City had yet to see impacts.

Mayor Denham asked Vice Mayor Ruane if he would be available to attend Student Government Day and welcome Sanibel students since he would not be available for this event. Vice Mayor Ruane stated he would be in attendance. Councilmember Johnston and Councilman Jennings would also be present.

## **CITY ATTORNEY'S REPORT**

None.

## **COUNCIL MEMBERS' REPORT**

### **Report on attending the September Florida League of Cities Board meeting in Coral Gables (Councilman Jennings)**

Councilman Jennings gave a brief report.

### **Request to attend the National League of Cities in Orlando November 11 to 15, 2008 (Councilman Jennings)**

Council agreed for Councilman Jennings to attend.

Discussion ensued regarding the delegate for the National League of Cities.

Mayor Denham made a motion, seconded by Vice Mayor Ruane, to appoint Councilman Jennings as the voting delegation for the National League of Cities Conference.

The motion carried with Councilman Pappas unexcused.

Mayor Denham spoke to Council not receiving every email that comes to San.council.

Ms. Zimomra stated that the MIS Director had looked at emails and staff was ready to address emails.

**Review of advertisement and schedule for filling upcoming vacant Councilmember seat**

Discussion ensued regarding choosing a person that would participate with other Councilmembers, need someone familiar with water quality issues, understand the workload, Councilman Jennings may take the MPO liaison, Vice Mayor Ruane taking the liaison to Planning Commission, concern for all to take the responsibility of liaison to Council committees, regional county and others.

**PUBLIC COMMENT**

Claudia Burns spoke to consider the potential candidate temperament and that would listen to input.

There being no further business the meeting was adjourned at 1:03 p. m.

Respectfully submitted to,

Pamela Smith, CMC  
City Clerk