

9. **CONSENT AGENDA**

- d. **RESOLUTION 08-146 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-003 AND PROVIDING AN EFFECTIVE DATE** (to appropriate \$110,000 from Florida Fish & Wildlife. This grant provides 100% funding for the maintenance of exotic plant control in the J. N. "Ding Darling National Wildlife Refuge as part of the Island-wide Brazilian Pepper Eradication Program. The budget amendment does increase the budget. This increases the FY 08 budget by \$110,000 and is 100% grant funded)

RESOLUTION 08-146

APPROVING BUDGET AMENDMENT/TRANSFER NO. 2009-003 AND PROVIDING AN EFFECTIVE DATE

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Sanibel, Florida:

SECTION 1. The revised General Fund for fiscal year 2008-2009, Budget Amendment/Transfer BA 2009-003 true copy of which is attached hereto as Exhibit A and incorporated herein by this reference, is hereby approved and accepted.

SECTION 2. Effective date.

This resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the Council of the City of Sanibel, Florida this 21st day of October, 2008.

AUTHENTICATION:

Mick Denham, Mayor

Pamela Smith, City Clerk

APPROVED AS TO FORM:

Kenneth B. Cuyler
Kenneth B. Cuyler, City Attorney

10/15/08
Date

Vote of Councilmembers:

Denham _____

Ruane _____

Jennings _____

Johnston _____

Pappas _____

Date filed with City Clerk: _____

**NATURAL RESOURCES DEPARTMENT
MEMORANDUM**

DATE: August 27, 2008

TO: City Manager Judie Zimomra

FROM: Natural Resources Director Robert K. Loflin Ph.D.

RE: DEP \$110k Grant for exotic plant control in the J. N. "Ding"
Darling National Wildlife Refuge

This grant provides 100% funding for maintenance exotic plant control in the Wildlife Refuge as part of the Island-wide Brazilian Pepper Eradication Program. There is no City matching requirement in the contract. It will pay for a contractor to send a 4-person crew into the trail-less sections of the Refuge for a full sweep for exotic plants. This funding is necessary because the U.S. Fish and Wildlife Service has no dedicated funding source for exotic plant control on the Refuge. Initial and maintenance exotic control has been done on the Refuge via grants obtained by the City's Natural Resources Department since 1998. The City's exotic control program is not viable without addressing control of seed sources on Refuge lands. This project will continue to maintain the Refuge's rare native plant communities and wildlife habitat in pristine condition.

07/08-152

TASK ASSIGNMENT NOTIFICATION FORM
DEP CONTRACT NO. SL 892

RECEIVED BY
08 OCT -7 AM 9:39
CHANGE DEPARTMENT

Task Assignment Number: SW-111
Contractor Name: City of Sanibel
Contractor Contract Manager: Rob Loflin (239) 472-3700
Project Title: Sanibel Island Ding Darling

Date: August 5, 2008
Contract Manager: Greg Jubinsky (850) 245-4821
Site Manager: Dennis Giardina (239) 229-5403
MA#:

Task Description and Payment Schedule. Exhibit 1 describes the scope of work for this project. The Contractor is not authorized to perform work on any additional sites or plant species until such time as the DEP and the Contractor have fully executed a Change Order for said additional work. Any work performed by the Contractor contrary to this Task Assignment shall be at the Contractors expense. The Contractor is authorized to subcontract this project.

Deliverables:

- 100% of target vegetation identified in the attached scope of work shall be treated to prevent re-sprouting. If 95% kill rate is not achieved for any area of the project after two months following project completion, one additional thorough treatment of the plant will be the responsibility of the contractor at no cost to the contracting entities.
- Control is defined as treatment effective in preventing re-sprout of treated target vegetation.
- The Contractor shall notify the designated site manager prior to entering the work-site.
- The Contractor shall provide written notification to the Contract Manager upon completion of treatment event(s).
- Upon Site Manager approval, the Contractor is authorized to control incidental occurrences of any current EPPC category one or category two invasive exotic plant species encountered within the Project Site(s). Costs for these control operations shall not exceed the established Task Assignment amount, and must not jeopardize the Contractor's ability to achieve the required level of control for the primary target species within the established time frame. It is the responsibility of the Contractor to determine that all control operations do not exceed the established Task Assignment amount.

Task Assignment Term: Execution of Task Assignment through May 31, 2009

Task Assignment Type: Amount Not To Exceed:

Cost Reimbursement \$110,000.00
TOTAL TASK ASSIGNMENT VALUE \$110,000.00

FUNDING INFORMATION:

ORG CODE	EO	OBJECT CODE	MODULE	SPEC. CAT.	PROJECT #	YEAR	AMOUNT
77358090200	22	139940		100340	892SW111	08-09	\$110,000.00
							\$

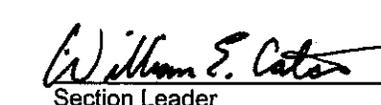
CONTRACTOR

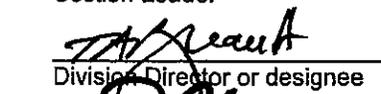
FLORIDA FISH & WILDLIFE
CONSERVATION COMMISSION

Contract Manager _____ Date _____

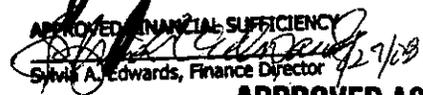
 8/5/08
Contract Manager Date

 8/5/08
Cost Center Admin. Date

 8/5/08
Section Leader Date

 8-11-08
Division Director or designee Date

cc: Gwenn Godfrey, Contracts Office (MS93)
Bureau of Finance & Accounting (MS78) - 2 copies

APPROVED FINANCIAL SUFFICIENCY

Silvia A. Edwards, Finance Director 8/9/08

APPROVED AS TO FORM:


CITY ATTORNEY

TASK ASSIGNMENT RESPONSIBILITIES

RESPONSIBILITIES OF THE CONTRACTOR:

Unless otherwise established in the Task Assignment, the Contractor shall complete all work as set forth in the attached Scope of Work in full compliance with the terms of the Contract. The responsibilities of the Contractor include but are not limited to:

1. The Contractor shall notify the designated site manager no less than seven (7) days prior to initiating work and, after initiating work, shall maintain communication with the site manager on progress and/or problems and work completion;
2. The certified ground crew supervisor, employed by the contractor and designated on page one of the task assignment must be present at all times when work on the site is underway;
3. Ground crew supervisors shall be responsible for all plant control activities on project sites safety. Every effort shall be made by the Contractor to avoid damage to native vegetation and wildlife, which includes non-target damage or site disturbance;
4. Ground crew supervisors shall be pesticide applicators possessing current certification by the Florida Department of Agriculture and Consumer Services (FDACS) in the Natural Areas, Forestry, Aquatics, or Right-of-Way categories. A copy of each supervisor's FDACS certification will be provided to the site manager prior to initiation of on-site supervisory duties;
5. Ground crew supervisors may supervise a maximum of eight (8) field employees at any given time, unless otherwise noted in the task assignment;
6. Ground crew supervisors shall be responsible for the collection, recording, and timely submission of all data and reports required. At weekly intervals and at the completion of initial treatments and site reassessment, a complete report will be submitted to the site manager detailing sites treated, number and size of plants killed, and type of treatment used. This data will be recorded on the "Daily Progress Report";
7. The Contractor will strictly adhere to all herbicide label application, precautionary, and safety statements, and shall be liable for damage due to a herbicide spill or contamination;
8. The Contractor shall submit an original invoice and fully completed and signed Daily Progress Reports to the Bureau of Invasive Plant Management, 3900 Commonwealth Boulevard, MS 705, Tallahassee, Florida 32399-3000.
9. To ensure that the selected Contractor provides the best service to public conservation land managers, the DEP has instituted a "Three Points Rule." Failure to fulfill the above responsibilities shall subject the Contractor to an assessment of "points" as set forth in the Contract. An accrual of three points will make the selected Contractor ineligible to participate in any new pre-quote meetings for one year.

ISSUE	PENALTY
1) Incomplete invoice package	½
2) Unacceptable non-target damage	2
3) Herbicide contamination/spill	1
4) Inability to complete the task specifications within completion date.	½
5) Unacceptable site disturbance	1
6) Absence of certified ground crew supervisor	1
7) Failure to notify Site Manager no less than seven (7) Days prior to initiating work (unless authorized by DEP)	½
8) Failure to maintain communication with site manager on progress/problems and work initiation or completion	½
9) Failure to obtain 95% control within a given project area	1 ½
10) Failure to obtain approval to subcontract	½

RESPONSIBILITIES OF THE SITE MANAGER:

1. The Site Manager shall be responsible for instructing the Contractor on the areas and plants to be controlled and provide necessary maps and other pertinent information to locate work sites;
2. The Site Manager reserves the right to inspect, at any time, the Contractor's procedure, spray system(s), spray solution(s), and other ancillary equipment, and to approve operating personnel. Inspection, however, will not relieve the Contractor of any obligations or responsibilities nor will it transfer any liability to the lands listed under "Project Location."
4. The Site Manager shall review and approve all Daily Progress Reports (DPR's) submitted by the Contractor for work conducted on the site. The Site Manager should verify that the content of the DPR's reflect control operations observed in the field and outlined in the approved scope of work. It is the responsibility of the Contractor to submit complete and correct Daily Progress Reports to the DEP.



J.N. "Ding" Darling National Wildlife Refuge Exotic Plant Control

Application for State Funding

Southwest Florida BIPM Working Group

March 20, 2008

City of Sanibel

Robert K. Loflin, Ph.D.

800 Dunlop Road, Sanibel, FL 33957

Phone: (239) 472-3700; FAX: (239) 472-3065;

E-mail: rob.loflin@mysanibel.com

Method of control - In-house with sub-contractor: Ferrier Enterprises, Inc.

Project Goals — Species to be controlled are:

Brazilian pepper (*Schinus terebinthifolius*)

Australian Pine (*Casuarina* spp.)

Melaleuca (*Melaleuca quinquenervia*)

Lead tree (*Luecaena Leucocephala*)

Java plum (*Syzygium cumini*)

Air potato (*Dioscorea bulbifera*)

Rosary pea (*Abrus precatorius*)



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Rosary pea (*Abrus precatorius*)

Exhibit 1

sawgrass, and leatherfern. Brazilian pepper and Melaleuca are the major exotic plant threat in this seasonal wetland. This portion of the project can only be completed during the dry season. In addition, the edges of the hammock and savannah that are adjacent to mangrove forest are a major location for Brazilian pepper establishment. These peppers gradually replace buttonwood and mangrove forest along these transitional areas without treatment.

Site History

The J.N. "Ding" Darling National Wildlife Refuge on Sanibel Island is approximately 5,400 acres with about 920 acres infested with exotic plants. (see attached map for project site).

The site can be reached by following these directions: From either north or southbound on I-75 in Fort Myers, take exit 131, Daniels Parkway, west to Summerlin Road. Make left (southwest) on to Summerlin and head west over the Sanibel Causeway to Sanibel Island. Make a right at first stop sign, and follow Periwinkle Way west to its end at Tarpon Bay Road. Take right and follow to first stop sign at Sanibel-Captiva Road. Make left and proceed to Refuge entrance on right.

Work Specifications

A four person field crew will treat exotics in this trail-less area of the Refuge for an estimated 24 week period using basal bark treatment with per label rates of Garlon 4 or equivalent mixed with the vegetable oil based JLB oil plus improved for all target plants. Crew members will line up about 15' apart and move on foot through the generally dense vegetation in a manner that allows the crew leader to efficiently cover the entire acreage. Crews will each carry an approximately 3 gallon sprayer with pre-mixed herbicide. Only the minimum necessary coverage on each stem will be used to reduce costs and avoid waste and unnecessary environmental impacts. All treated vegetation will be left in place to decay naturally.

Other Requirements and Provisions

The contractor will maintain records of all areas treated and the amount of herbicide used for reporting to the U.S. Fish and Wildlife Service. No

treatment of plants shall be conducted when the stem or trunk is inundated with standing water or during rainfall events.

Project Time Frame

The timeframe for the project is anticipated to be 24 weeks, depending upon weather conditions. The freshwater wetland savannah habitat should only be done during the dry season or during dry conditions.

Funding Information

See attached budget document.

Proposal Information

See attached Southwest Florida Invasive Species Working Group Member and Site Information Survey.

Conservation Land Qualification

The J.N. "Ding" Darling National Wildlife Refuge is a world class national preserve designated by presidential decree and included in FNAI.

Ability to Maintain Site After Initial Treatment

Although the USFWS does not have a budget in place for long term maintenance, the City of Sanibel does and will help secure funding into the future for long-term maintenance as an essential part of its Island-wide Brazilian Pepper Eradication Program. The City will utilize its own contractors as necessary to perform maintenance. The City is currently under contract with Ferrier Enterprises, Inc. to perform exotic plant control on City managed properties.

Restoration Plan for Native Plants

Land managers have found on Sanibel that a diverse seed source exists for over 200 species of native plants and that once aggressive exotic plants are removed, natural recruitment of natives to the resulting light gaps is very rapid. No supplemental plantings are planned for this project.

Threatened or Endangered Species or Habitats

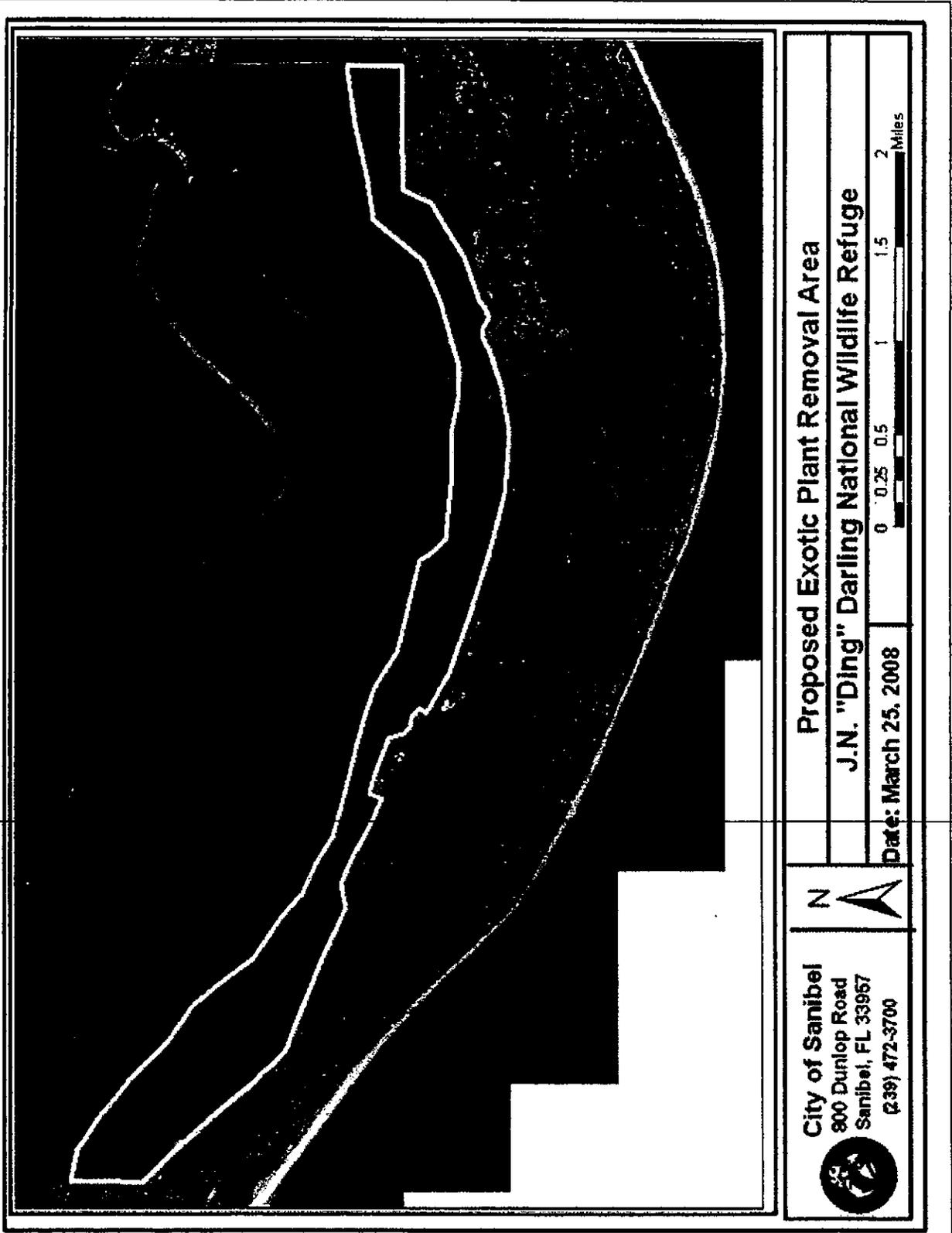
Rare plant communities and wildlife habitats that will benefit from the project include West Indian tropical hardwood hammock, barrier island freshwater wetland savannah and mangrove forest. Listed wildlife species include wood stork, roseate spoonbill, white ibis and gopher tortoise.

Public Education Program

The City of Sanibel regulates 8 species of exotic plant and has a brochure titled "Alien Invasion" that is distributed extensively (copy attached). The City's Brazilian Pepper Eradication Program and our building codes involves educating literally thousands of residents, businesses and other property owners on the need (and mandatory requirement) of removing exotic vegetation.

Regional Criteria Issues

The J.N. "Ding" Darling National Wildlife Refuge is toured by over 600,000 visitors annually. It is the #2 tourist attraction in Lee County according to the local Tourist Development Council. Enabling visitors to view wildlife in its native habitat free of exotics is of regional significance.





City of Sanibel

800 Dunlop Road
Sanibel, Florida 33957-4096

www.mysanibel.com

AREA CODE - 239

CITY COUNCIL	472-4135
ADMINISTRATION	472-3700
PLANNING	472-4555
EMERGENCY MANAGEMENT	472-3111
FINANCE	472-9615
LEGAL	472-4359
CULTURAL RESOURCES	472-3700
PARKS & RECREATION	472-9075
TRAINING	472-4136
TELEPHONE	472-3111
PUBLIC WORKS	472-6397

September 9, 2008

Florida Fish & Wildlife Commission
Invasive Plant Management Section
3900 Commonwealth Blvd., MS 705
Tallahassee, Florida 32399-3000

Dear Mr. Jubinsky:

Please find enclosed your copy of the executed agreement between Florida Fish and Wildlife Conservation Commission and the City of Sanibel.

If you have any questions please call me at (239) 472-3700.

Cordially,

Pamela Smith, CMC
City Clerk

Enclosure

PBS/kc

Cc: Judie Zimomra, City Manager
Dr. Rob Loflin, Director of Natural Resources

ATTACHMENT E

SUBCONTRACTOR UTILIZATION REPORT FORM FOR COMMODITIES/SERVICES

SUBCONTRACTOR UTILIZATION REPORT FORM CERTIFICATION:

I certify that the information provided in the preceding page(s) is accurate as of the last day of the payment period identified on this form.

(Signature)

(Date)

(Business Name)

(Street Address)

(City, State, Zip Code)

(Phone Number)