

**8. CONSENT AGENDA**

- a. Approval of minutes –October 21, 2008 Regular Meeting

**SANIBEL CITY COUNCIL REGULAR MEETING  
OCTOBER 21, 2008**

Council held a Breast Cancer Awareness Program from 8:15 a. m. to 9:00 a. m.

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

Invocation and Pledge of Allegiance

Vice Mayor Ruane gave the Invocation and led the Pledge of Allegiance.

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

**PRESENTATION(S)**

**Proclamation for Breast Cancer Awareness Month**

Vice Mayor Ruane read the proclamation and presented it to Mary Ann Loh.

Ms. Loh spoke to the work being done by the Susan B. Komen Cancer Institute in Lee County.

**Proclamation Recognizing Volunteers and Donors Contributing to the Summer Recreation Programs**

Vice Mayor Ruane spoke to the summer recreation program and the volunteers that help with the summer programs. He presented and passed out certificates to all volunteers with the help of Director Chris Deal.

**Proclamation for “Celebrate Sanibel Week” November 2, through 8, 2008**

Mayor Denham read the proclamation and recognized the participants of “Celebrate Sanibel” Week.

**Proposal for Causeway Fishing Pier**

**City of Sanibel Project and Design Review Criteria and City of Sanibel Staff Comments**

**Presentation by Barbara Manzo, Deputy Director, Lee County Parks and Recreation and Paul Wingard, Deputy Director, Lee County Department of Transportation, regarding the proposed Causeway Fishing Pier**

Ms. Zimomra stated that Council had asked that staff review the proposal.

Director Bob Duffy spoke to the following issues:

- Set of plans in packet for phase 1 and 2 of improvements
- Phase 1 the fishing pier
- Phase 2 improved areas for recreation (picnic area and related shade structures
- Intensity of use to carry and capacity of the Causeway island
- Address hours of use
- Address height of Structures and material proposed to be used
- Exhibit A-1 shows pier plan
- Address bike safety
- Future building site proposed for concessions
- No vegetation plan not provided
- Adequacy of restrooms
- Disposal of sewage

- Trash, safety and security

Paul Wingard, Deputy Director Lee County Department of Transportation spoke to the following:

- Discussion begin years ago to save part of sub-structure of "Bridge B" for a fishing pier
- TDC funding the project
- Project 30% designed
- Proposed fishing pier to help alleviate island traffic

Barbara Manzo, Deputy Director Lee County Parks and Recreation spoke to the following:

- Paul Wingard, Project Manager
- Parks and Recreation Department would manage
- Parking would remain the same with the inclusion of ADA accessibility
- Idea to make pier attractive
- Shade structures would help direct fishing toward the south end of the pier away from the road
- Informational kiosk was provided with all Lee County facilities and would be informational
- Future concessionaire to provide products for fishing

Discussion ensued regarding cost of project, Mr. Wingard answered \$1.5 million for construction plus the impact of other discussions, TDC would finance project, early September TDC re-affirmed authorized funds for construction, original projections for toll booth was 3 times the amount projected, bids coming in under projections, concerned with safety standards and ability to cross Causeway, Mr. Wingard stated construction would be within current standards, concerned of other structures on fishing pier, structures on pier designed to be open structures, built with the environment in mind, such as the dark sky ordinance of Sanibel, Ms. Manzo stated that lighting would be low level lighting to meet the Lee County turtle standards, incorporate art form in all Lee County designs, Mr. Wingard spoke to aesthetics for the fishing pier and would provide the Sanibel dark sky requirements would pass to the County staff and contractor, landscape design complete for Causeway Islands and in the process of being implemented, landscape designed with Lee County standards, best way to create and maintain landscaping for the least cost, need s natural activity rather than a sign that depicts the entry to Sanibel, addressing restrooms and central sewer, Mr. Wingard stated the old restroom was reconstructed with a new restroom, no intention to change restrooms at this point, developed a totally compost system, but not with the use of the Causeway Island restrooms receive, Lee County would review restroom if use exceeds County's expectation, concerned of septic systems and recommendations from Regional Planning sent to Lee County, old sewer system not enough to keep seepage in to the gulf, take a closer look at recommendations and comply, Mr. Wingard stated the new restroom built to handle capacity and the old restroom upgraded fro increased usage, greater impact to Sanibel would be sewage seepage, how would business get involved with construction, Mr. Wingard stated a contractor would solicit proposals for qualified vendors, the need fro a design that would not hinder the gathering of a large crown, i.e. Easter sunrise service, Mr. Wingard stated the County sensitive regarding that gathering, suggestion for a possible stage structure over water containment site, Ms. Manzo stated Lee County staff would be willing to work with the Sanibel Parks and Recreation Committee, process worked between County and City staff during bridge construction, no need for separate kiosk at bridge since the Sanibel Chamber had the same item, and Ms. Manzo stated the kiosk would be educational purposes and required information.

#### Public Comment

Claudia Burns asked how to get a copy of the landscaping plans.

Mr. Wingard stated plans were provided to the City and comments could be provided to Lee County Department of Transportation.

Drew Doyle spoke to when coming to Sanibel the experience was calming, but the project should be in a different place. She suggested structures should be less commercialized and could money be saved by minimizing the scope.

Discussion ensued regarding the need for a shade structure; Ms. Manzo stated the shade structure was important. She mentioned that more people request shade during recreation and conscious of the sun.

Ric Base, Sanibel Captiva Chamber Director spoke to \$1.5 million removed from TDC for the fishing pier construction and the possibility of removing funds for the Boston Red Sox. He further spoke to Chamber members against using bed tax funds for construction of the fishing pier.

Dr. Berger spoke to need to monitor for contamination, which was not currently required. He further suggested the need for a monitoring policy be put in place.

Judy Minchie spoke to Sanibel not involved with the project, and who would fund the project after construction.

Ms. Zimomra spoke to TDC being an independent revenue stream, but contracts must go through a Lee County process.

Council answered that Lee County taxes would pay for the operation.

Discussion ensued regarding recommending the adoption of standards for design of fishing pier, and that TDC and Lee County be aware that Sanibel provides an alternative recreation different than any other in Lee County.

Ms. Zimomra offered a staff meeting between the City and County staff as well as bringing back the final design.

### **Cultural Heritage Center presentation by Yvonne Hill and Eugene Gavin**

Yvonne Hill, Eugene Gavin and Eric Gavin gave the follow presentation:

- Gavin family came to Sanibel in 1917
- Eugene Gavin born on Captiva, reared on Sanibel
- Accomplishments -1) taken early settler exhibits in different locations, 2) collected and scanned photographs, 3) Broadway Palms Dinner Theater working on a play depicting early settler life; 4) request to bring exhibit to Harrisburg, Pennsylvania.
- Purposes – 1) not requesting financial assistance; 2) support Sanibel Captiva Cultural Heritage Month in July, 2009 with multiple activities, as well as holding a Gavin/Walker family reunion (500 people); 3) staff help with applying for a grant from TDC; 4) request assistance to develop an informational kiosk at the Walker family homestead (have secured permission from SCCF), may need permits, bike racks and other items, 5) rename Tarpon Bay Road to “Gavin-Walker Way” from West Gulf Drive to Sanibel Captiva Road (talked to businesses); 6) need more permanent space for the Cultural Heritage Center and trying to identify potential sites; 7) requesting that City partner on state and federal grants, FGCU and letters of recommendation; 8) request City advertise the Cultural Center

Discussion ensued regarding each Councilmember had briefing and visited current location, challenges of economic times, important island history, should discuss requests with staff and would come to Council as necessary.

Public Comment

None

Discussion ensued regarding asking the City staff to look at short and long-term projects needed to support projects, and staff to bring back a preliminary report on November 4<sup>th</sup> and a more in depth report at the November 18<sup>th</sup> Council meeting.

### **Follow-up presentation by Sanibel golf courses regarding fertilizer utilization and lake management**

Ms. Zimomra stated this was a continuation of a previous discussion and the golf courses volunteered to work together for voluntary implementation of staff recommendations.

James Evans, Natural Resources spoke to Beachview golf courses and stated that the Sanctuary would represent their views.

Mayor Denham stated he was looking for some type of correspondence from each golf course.

The Dunes and Sanctuary Golf Course were represented and spoke to the following:

- Implementing staff recommendations
- Golf courses would provide implementation strategy to City staff
- Sanctuary Golf Course involved in the Audubon designation
- Ask for any Council clarification

Discussion ensued regarding implementation of recommendations without cost, minor costs recommendations to be done, grass growing longer closer to water and incorporating native plants, implementation of moving irrigation water heads would be detrimental, but would adjust irrigation water heads as to impact water as little as possible, were the recommendations reasonable and golf course management stated the recommendations were reasonable and willing to work with staff recommendations without implementation of an ordinance, benefits having nutrients in water and would it lower fertilizer, and Sanctuary answered that values may change due to quantity of water used.

Council asked for a letter from each golf course regarding plans to comply with staff recommendation, voice any specific concerns and continue to work with staff.

Council recessed at 10:55 a. m.

Council reconvened at 11:08 a. m.

#### **Public Comments**

Claudia Burns spoke to participating in a writers retreat in Pennsylvania and read a poem named "The Speed of the Trees."

#### **Council Comments**

Councilman Jennings spoke to bumper stickers available "My City I'm Proud of It."

Vice Mayor Ruane spoke to his concern that Lee County was using \$1.5 million in TDC funds for constructing a fishing pier.

Mayor Denham announced that it was the City Attorney's birthday

Discussion ensued regarding bed tax being used for a fishing pier, Council should spend less time telling the county on how to spend money, previous questions of Council spending time off island attending meetings, proposed laws for changing home rule in mooring boats and controlling water speeds, which would have significant impacts, concern of sewage in waters as more people live on boats.

## Planning Report

Paul Reynolds gave a report of the September 14, 2008 Planning Commission meeting as follows:

- He spoke to the impact the City had in the development of the Causeway bridges
- Consider a renewal of the Sea School application and carried

Councilman Pappas asked the City Attorney if the Mims property issue would come before Council for a decision and what extent was Council's involvement.

Mr. Cuyler answered that Council had a dual function as legislative and appellate function. He explained that when an appeal was made the appellant's attorney would claim that Council was prejudiced and could request a member be removed from the quasi-judicial hearing. He further stated that there was no clear answer.

Council asked if there could be a discussion between Council and Planning Commissioners, and/or Planning Department staff.

Mr. Cuyler stated that was alright, but it could be argued the discussion carries more weight, and comments should be addressed to the City Manager before going to staff. He stated that any recommendation from the Planning Commission regarding amending ordinances was legislative.

### First Reading

**ORDINANCE 08-018 AMENDING CITY OF SANIBEL ORDINANCE 07-011, AS AMENDED, WHICH ESTABLISHED AN UPDATED AND REVISED SCHEDULE OF RECREATION USER FEES FOR CITY OF SANIBEL RECREATION PROGRAMS; PROVIDING FOR THE ESTABLISHMENT OF AN ADDITIONAL RECREATION PROGRAM TO BE KNOWN AS "FUN DAYS" IN ORDER TO PROVIDE RECREATION ACTIVITIES ON THOSE WEEKDAYS WHEN THE RECREATION CENTER IS OPEN BUT SCHOOL IS NOT IN SESSION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 08-018.

Council set the second reading and public hearing for November 4<sup>th</sup> at 9:15 a. m.

### Second Reading and Public Hearing(s)

**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.

Mayor Denham made a motion, seconded by Councilmember Johnston, to adopt Ordinance 08-017.

The motion carried.

**ORDINANCE 08-013 ADOPTING THE FLOOD INSURANCE STUDY FOR THE CITY OF SANIBEL CONTAINED IN THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S STUDY FOR LEE COUNTY, FLORIDA AND AMENDING THE SANIBEL CODE, PART II LAND DEVELOPMENT CODE; CHAPTER 94 FLOODS, TO ADOPT A NEW FLOOD INSURANCE RATE MAP (FIRM), TO ADD A PURPOSE STATEMENT AND TO UPDATE THE CITY'S FLOODPLAIN MANAGEMENT REGULATIONS AND PROCEDURES CONSISTENT WITH NATIONAL FLOOD INSURANCE PROGRAM REGULATIONS; AND AMENDING CHAPTER 82 ADMINISTRATION; ARTICLE IV DEVELOPMENT PERMITS; DIVISION 2 PROCEDURE; SECTION 82-382 FILING PROCEDURE, TO ALLOW SURVEYS TO INDICATE GROUND ELEVATIONS IN NORTH AMERICAN VERTICAL DATUM (NAVD); PROVIDING FOR CONFLICT AND SEVERANCE; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 08-013.

Mr. Cuyler stated this was previously adopted as an emergency ordinance, which gives 60 days for Council to adopt an ordinance through the normal process.

Councilmember Johnston made a motion, seconded by Councilman Pappas, to adopt Ordinance 08-013.

The motion carried

### **CONSENT AGENDA**

Council pulled Consent Agenda items (e), (a), (c) and (k) for discussion.

a. Approval of minutes – September 16, 2008 amended Final Budget Meeting and October 07, 2008 Regular Meeting

Mayor Denham spoke to the changes he requested be made and that they were made as requested.

c. Award a Marine Patrol Dock contract to Florida Marine Construction in the amount of \$191,100; Approve Change Order No. 1 for the project; and authorize the City Manager to execute same (This project is funded by 1) \$110,000 in the Beach Parking Capital Improvement Program; 2) \$60,000 from a West Coast Inland Navigation District (WCIND) grant; 3) \$40,000 from the Sanibel Fire District; and 4) \$1,100 from a Tourist Development Council (TDC) grant for proposed boat ramp restroom (City's share of water main). The balance of funds available would be used for security cameras and any miscellaneous items)

Mayor Denham spoke to a conversation with a member of the public regarding their concern at the construction of the boat dock.

Discussion ensued regarding the Police Department and Sanibel Fire District working together, must review any item involving expenditure of funds, and the fund sharing was appropriate.

Ms. Zimomra stated that a contract would come to Council including the Fire District paying a portion of the cost of construction and 25% of the maintenance of the boat dock.

Public Comment

Dr. Steve Brown spoke to his concerns of a fair and equitable costs sharing. He also spoke to being in favor of the project.

- f. Approval of a grant from TDC for additional funding for the boat ramp restrooms in the amount of \$510,000 and authorize the City Manager to execute same (Acceptance of this grant increases the fiscal year 2008-2009 budget by \$510,000)  
Councilman Jennings spoke to the amount of grant money the City was receiving from TDC.

Ms. Zimomra stated that item (e) was partially roll-forward funds, as well as new money. She also stated that it was important to remember that the funds allocated for the Red Sox and Lee County fishing pier would diminish the pool of funds for other projects and there was validity in watching projects that diminish funds.

- k. Approval of a grant from TDC for Sanibel beach erosion monitoring in the amount of \$40,000 and authorize the City Manager to execute same (Acceptance of this grant increases the fiscal year 2008-2009 budget by \$40,000)  
Councilman Pappas stated that the other grant funds increased the budget, but this project was included in the budget.

Ms. Zimomra stated that this project had not been included in the budget, but staff would recommend accepting the grant and implementing only if there was a storm and take out of the City's emergency fund.

- n. Request from Island Senior, Inc., to waive the application fee in the amount of \$50 for the Annual Bazaar schedule for November 22, 2008 (This event would qualify for the grandfather exception for Special Events)

Mayor Denham reminded Council that this was one of the Special Events grandfathered.

- g. Approval of a grant from TDC for Sanibel dune walkover replacement in the amount of \$134,500 and authorize the City Manager to execute same (Acceptance of this grant increases the fiscal year 2008-2009 budget by \$134,500)

- h. Approval of a grant from TDC for Sanibel Caloosahatchee Water Quality Observatory in the amount of \$74,000 and authorize the City Manager to execute same (Acceptance of this grant increases the fiscal year 2008-2009 budget by \$74,000)

- i. Approval of a grant from TDC for Sanibel beach access improvements in the amount of \$21,000 and authorize the City Manager to execute same (Acceptance of this grant increases the fiscal year 2008-2009 budget by \$21,000)

- j. Approval of a grant from TDC for Sanibel water quality monitoring in the amount of \$30,000 and authorize the City Manager to execute same (Acceptance of this grant increases the fiscal year 2008-2009 budget by \$30,000)

Mayor Denham, made a motion, seconded by Councilman Jennings, to approve Consent Agenda items (a), (c), (f), (k), (n), (g), (h), (i), and (j).

Public Comment

None

The motion carried.

- b. RESOLUTION 08-139 CALLING FOR AN ELECTION FOR SANIBEL CITY COUNCIL MEMBERS; SETTING THE DATE AND POLLING PLACES FOR**

**THE ELECTION; PROVIDING FOR BALLOT LANGUAGE; REQUESTING THE LEE COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT THE ELECTION AND CERTIFY THE RESULTS TO THE SANIBEL CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE**

- k. **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)
- l. **RESOLUTION 08-143 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2008-004 AND PROVIDING AN EFFECTIVE DATE** (To roll forward FY08 funds as follows: 1) PO #800188 for \$1,840 to Bean Whitaker Lutz and Kareh for professional GIS mapping services; 2) PO # 800291 for \$7,106 to Wallace Roberts and Todd to meet final contract obligation for professional services; 3) PO #800279 for \$6,954 to Charlotte Harbor Environmental for isotope nutrient tracing in water, existing project previously approved by Council; 4) 100% TDC grant funded \$256,896 for fishing pier lightning protection ; 5) \$150,000 for relocating the police department server room; 6) PO #800288 for \$172,604 for construction of Periwinkle Way bicycle path and drainage improvements between Lindgren Blvd. and Donax; 7) 100% funded by grant and private donations - \$204,981 for landscaping on Periwinkle Way; 8) City portion - \$2,621 for a shade structure for Community Park; 9) 100% TDC grant funded - PO #800230 for Bowman's Beach sewer tie-in (\$69,695) and Turner Beach sewer tie-in (\$6,940). Grant funded rollovers, items 4, 7 and 9, increase the budget by \$538,512)
- m. **RESOLUTION 08-145 APPROVING AGREEMENT NO. 08-PA-B9-09-46-13-500 BETWEEN THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT AND THE CITY OF SANIBEL FOR DISASTER RELIEF FUNDING AS A DIRECT RESULT OF DAMAGES AND LOSSES CAUSED BY TROPICAL STORM FAY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the titles of Resolutions 08-139, 08-146, 08-143 and 08-145.

Councilman Jennings made a motion, seconded by Mayor Denham, to adopt Resolutions 08-139, 08-146, 08-143 and 08-145.

Public Comment  
None.

The motion carried.

**OLD BUSINESS**

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 the City Attorney regarding the final contract between the City of Sanibel and Sanibel Dog Club, Inc.

Approval of an agreement between the City of Sanibel and the Sanibel Dog Club, Inc., relating to financing, construction, operation and maintenance of a dog park and authorize the City Manager to execute same

Discussion ensued regarding educating the public.

Aerial Map depicting the 1.42 acre burn site and 1.1 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 own

Memo previously provided 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.

Mr. Cuyler stated that the 2 action items were as follows:

- The agreement between the City and the Sanibel Dog Club, Inc.,
- Resolution 08-140 with ballot language

He explained that the agreement reflected changes made by the Sanibel Dog Club and the resolution was the ballot question that would go before the electorate in March, 2009.

Discussion ensued regarding entering into an agreement before the referendum was approved by the electorate, Mr. Cuyler stated that the agreement was structured contemplating the ballot questions would be placed on the March, 2009 election and if not approved by the electorate the agreement would become null and void, Mr. Cuyler further stated that the mindset was to agree on the contract now so that there would be no problems with the agreement after approved by the electorate, not appropriate for the City to commit to something that involves cost before knowing if the electorate had approved, discrepancy in draft budgets, capital cost different, annual maintenance costs different, does not clarify the role of the City, noted the contract speaks to 50% of construction if destroyed would be paid by City beyond FEMA reimbursement, electorate should decide who should pay for accidents, rules and who would enforce, a public health issue would be a cost issue and who would foot the cost, should have a draft lease between City and dog club, Mr. Cuyler did not have to approve agreement, electorate would approve the exchange of property between the City and SCCF and should the land be removed from the environmentally sensitive land district, education during recreation center vote, Mr. Cuyler stated from a legally perspective the Sanibel Dog Club would build the park and turn over to the City, dog club would have responsibility of maintenance of the park, Mr. Cuyler stated a provision in the agreement was the park was a City park, insurance would be the responsibility of the City, agreement includes a notice to the dog club that the park would be closed for cause, having parks that not everyone would use, but different parks of interest for the use of different groups, should adopt resolution and discussion the agreement at a later date.

**RESOLUTION 08-140 ESTABLISHING AN ELECTION DATE PURSUANT TO SECTION 3.10.1(b) OF THE SANIBEL CITY CHARTER (AS CODIFIED) FOR THE ELECTORATE TO VOTE ON (1) THE APPROVAL OF THE EXCHANGE OF A CITY OWNED AN APPROXIMATELY .6 ACRE PARCEL OF LAND LOCATED WITHIN THE CITY'S ENVIRONMENTALLY SENSITIVE LANDS**

**CONSERVATION DISTRICT FOR AN APPROXIMATELY .6 ACRE PARCEL OF LAND OWNED BY SANIBEL-CAPTIVA COMMUNITY FOUNDATION, INC., ALSO WITHIN THE ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT, IN ORDER TO CONSOLIDATE PROPERTY OWNERSHIP, AND (2) THE REMOVAL OF AN APPROXIMATELY 1.45 ACRE PARCEL OF LAND FROM THE ENVIRONMENTALLY SENSITIVE LANDS CONSERVATION DISTRICT SO THAT SUCH PARCEL CAN BE USED AS A DOG PARK; ESTABLISHING AN ELECTION DATE PURSUANT TO THE SANIBEL CITY CHARTER (AS CODIFIED) FOR THE ELECTORATE TO VOTE UPON THE PROPOSALS; 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 PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-140.

Mayor Denham made a motion, seconded by Councilmember Johnston, to adopt Resolution 08-140.

The motion carried.

#### Water Quality Issues

Reports from City Council members

Water Congress report

Mayor Denham gave the following report:

- Submitted recommendations to Council regarding the Water Congress
- Lobbying to have 4 items approved for by the Water Congress and disagreed
- State funding on issues in question
- Recommendations forwarded to Century Commission

Mayor Denham spoke to a November 15<sup>th</sup> water quality meeting in Venice and his attending.

Staff Report on the DRAFT Caloosahatchee River Watershed Protection Plan (to access the report go to [www.sfwmd.gov/northerneverglades](http://www.sfwmd.gov/northerneverglades) )

James Evans, Natural Resources spoke to the following:

- Council suggestions within report
- 3 of 5 project included
- Lehigh Acres wastewater treatment and Phase 2 of C-43 west reservoir dropped
- Minimum flows set between 450 and 2,800 per cubic second
- Do not management minimum flow

Discussion ensued regarding concern that C-43 not having a water treatment quality, Mayor Denham meeting with Natural Resources to provide input of the response letter, back pumping in to Lake Okeechobee not allowed, US Sugar pumped in to a canal, comment submitted by October 31, Mr. Evans stated the minimum flows and levels of 300 csf was addressed in the plan, do not manage the minimum flow by ignoring, lake levels low enough gravity feeds back in to the lake and the nutrients in the S-4 basin would be pulled back to Lake Okeechobee, and continue to work on comment letter.

## Staff Reports

Staff report regarding U. S. Sugar land acquisition and Sanibel and Lee County staff principles

Mr. Evans gave the following report:

- Dr. Loflin meeting with Lee County
- Drafting a position paper
- Tracking proposal for an inland port – Multi-model inland port (transportation hub)

Mayor Denham stated that the next Regional Planning Council would have a presentation from Glades County regarding the inland port.

## **COMMITTEES BOARDS COMMISSION**

### **Acceptance of a resignation from Linda Uhler member of the Historical Preservation Advisory Committee**

Council asked that a letter of thanks and regret be sent to Ms. Uhler.

Council agreed

### **RESOLUTION 08-141 APPOINTING MEMBERS TO THE SANIBEL HISTORICAL PRESERVATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-141. She noted that this committee was reorganized after the Historical Village and Museum became a 501 (c) 3.

Councilmember Johnston made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 08-141.

The motion carried

Councilman Jennings stated that as liaison the committee would like to have input in the committee selection process.

The motion carried.

### **RESOLUTION 08-142 APPOINTING MEMBERS TO THE SANIBEL PARKS AND RECREATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-142. Ms. Zimomra stated that the new emphasis would be fundraising and looking into the creation of a foundation. She also noted that Mr. Armand Ball, Chairman notified staff that he was resigning from the Parks and Recreation Committee. She further noted that staff recommended appointment of committee members.

Vice Mayor Ruane made a motion, seconded by Councilmember Johnston, to adopt Resolution 08-142

The motion carried

Council directed staff to prepare a letter of thanks and regret to Mr. Armand Ball.

### **RESOLUTION 08-144 APPOINTING MEMBERS TO THE SANIBEL VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-144. She noted that the committee had refocused after the fertilizer legislation and was working on the Vegetation Handbook. She further advised that staff recommended appointment of members.

Vice Mayor Ruane made a motion, seconded by Councilmember Johnston, to adopt Resolution 08-144.

The motion carried

### **Discussion of the Scope of the Marine Advisory Committee**

#### **Discussion of the Scope of the Wildlife Committee**

Ms. Zimomra spoke to Wildlife Committee submitted a new scope and strongly recommend that there be no pamphlets distribution and identify more cost effective methods to provide information.

Discussion ensued regarding conversation with a member, advised that there were no funds for continuing to supply pamphlets and discuss Wildlife Committee scope in April, 2009, when committee created the City did not employ 3 biologists, prefer to morph Wildlife and Vegetation Committee together and if that was not possible it may be time to reduce committees by two, suggested change in scope to Marine Advisory Committee, but members were resistant, and should sunset Wildlife and Marine Advisory Committees .

Ms. Zimomra stated that Vice Mayor Ruane had been very consistent in his approach recommending the Marine Advisory Committee revise the committee scope and that their long term mission was the Police Department boat dock.

Council asked staff to bring back two resolutions sunsetting both committees at the November 18<sup>th</sup> Council meeting.

### **RESOLUTION 08-130 CONFIRMING THE ELECTION OF TWO TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT PLAN BOARD OF TRUSTEES BY THE MEMBERS; REAPPOINTING TWO MEMBERS OF THE BOARD OF TRUSTEES; ESTABLISHING AND DESIGNATING A COUNCIL MEMBER LIAISON TO SUCH BOARD; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-130.

Ms. Zimomra spoke to requirement of Council's appointment to the Police Pension Board to be a Sanibel resident, but that is not a requirement for the General Pension Board.

Discussion ensued regarding resolution 08-130 and board heavily favor with City personnel and need to explore another appointment, support Ms. Lynch as the General Pension Board appointee, but want to make certain the Board was equal in appointees, Council's appointees should have expertise in the market, Ms. Zimomra stated that the 7<sup>th</sup> seat was ministerial and Council's ratifies the Board appointment, could send back to the board and ask they bring back another appointee with a recommendation, should consider Mr. Richard Pyle, Mr. Cuyler stated that General Employees appointees does not have to be a Sanibel resident, Mr. Cuyler spoke to General Employee Pension Board as follows:

- 7 member Board
- 2 members elected
- Mr. Armstrong had applied for Council appointee
- City Manager appointee (department director)
- 3 appointments by City Council
- Dr. Cohan requested reappointment
- 1 open seat
- 7<sup>th</sup> person appointed by 6 Board members

Discussion ensued regarding Council recommendation to the Board that Mr. Pyle be appointed as the 5<sup>th</sup> member to the General Employee Pension Board, and the Board should not have only current City or retired City employees.

Ms. Zimomra suggested that a letter be sent from Mayor with Council's recommendation. She also noted that she would go to beginning of next General Employees Pension Board meeting. She reminded Council that at the last Council's meeting Vice Mayor Ruane requested to be the liaison

Councilmember Johnston made a motion, seconded by Vice Mayor Ruane, to adopt Resolution 08-130, appointing Michael Armstrong to fill the vacant Council seat, re-appoint Mr. Cohan, and send a letter to the Board with Council's recommendation of Mr. Pyle for the Board's appointment to be signed by the Mayor on behalf of Council and add that while Ms. Lynch was exceptional qualified Council felt that the issue was the balance of Board members.

Public Comment

Karen Storjohann spoke to noticing such a resolution differently.

The motion carried

**RESOLUTION 08-131 PERTAINING TO THE SANIBEL BOARD OF TRUSTEES OF THE MUNICIPAL POLICE OFFICERS' RETIREMENT TRUST FUND; ACKNOWLEDGING AND CONFIRMING THE ELECTION OF TWO TRUSTEES BY POLICE OFFICER MEMBERS OF THE PLAN; APPOINTING TWO RESIDENT MEMBERS TO THE BOARD; AND APPOINTING THE BOARD OF TRUSTEES' SELECTED MEMBER, ALL TO SERVE TWO-YEAR TERMS COMMENCING OCTOBER 1, 2008 AND ENDING ON SEPTEMBER 30, 2010; ESTABLISHING AND DESIGNATING A COUNCIL MEMBER LIAISON TO SUCH BOARD; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 08-131.

Mr. Cuyler spoke to

- 5 member
- 2 seat election by members
- 2 appointments (re-appointment and open seat)
- Ms. McBee requested to be appointed to open Council seat and is a City resident
- Last seat assumes that Council recommendation would affirm the possible recommendation that Mr. Pyle be appointed by other 4 members
- Ordinance states that 1 person was appointed by the other 4 members

Discussion ensued regarding Council recommending Mr. Pyle to be considered by the General Employees Pension Board, could one member be appointed today and ratify the other member at the next Council meeting, problem finding a qualified candidate, and Council would contact qualified candidates.

Council decided to continue discussion at the next Council meeting.

## **CITY MANAGER**

### **Informational Items**

#### **Financial Issues**

#### **Proposed Budget Adjustments**

#### **Memorandum from the Financial Director**

Ms. Zimomra spoke to the following:

- Preliminary evaluation to assessed evaluation there was further decline by \$8 million
- Comparison of sell prices 18.05% single-family and 17% for condo sells
- Looking at a double digit indicator for 2009/10
- 4<sup>th</sup> quarter may remain the same
- Bringing back first rounds o budget cuts
- Reduce lighting to minimal lighting
- Lights out
- Turned down temperature
- Cancel Volunteer Luncheon
- Cancelled Employee Appreciation Day
- Cancelled newspaper subscription
- Discontinuing flowers sent for death and severe illness
- Travel limitations put on staff
- Received 2 retirements
- Scrutinized future hiring
- Council approve a deflation fro new hires
- City needs to remain safe, clean, fiscal sound and environmentally sound
- Working closely with Directors
- Making temporary re-assignments to departments of less activity to more activity
- Lateral move from Public Works to Recreation Department
- All purchases must go to City Manager for approval
- Dispatcher recommendation cut paper use in half
- Turning off light bulbs
- Purchasing restrictions
- Evaluating standard purchasing
- Dispatcher brought forward an idea to save paper in the Police Department

Discussion ensued regarding acknowledging realities, City Manager's proposal would increase reserve and ending fund balance, if taxes were cut it is imperative that fixed costs be cut, capital improvements would be delayed expenditures, property holders may be surprised that getting out of the market at all costs, money coming from state would be a deficient, and short-term number of 18% would be devastating.

Council recessed at 1:15 p. m.

Council reconvened at 2:36 p. m.

Council decided to take public comment.

#### PUBLIC COMMENT

Karen Storjohann spoke to considering costs regarding the dog park.

Claudia Burns spoke to supporting a short meeting on November 4<sup>th</sup> due to the Presidential election.

Karen Storjohann spoke a second time regarding the Planning Commission having civility rules.

Mayor Denham spoke to the Planning Commission Chair regarding civility rules.

#### **Memorandum from City Manager regarding printing emails**

Included in the packet for information.

## **Notification of the Metropolitan Planning Organization (MPO) Re-Appportionment Plan**

Councilmember Johnston stated that 70% of the population would have to agree. She spoke to Bonita Springs requesting an additional vote due to population, which bring other municipalities requesting the same leaving small municipalities in the minority.

## **Approved Department of Environmental Protection (DEP) permit for Red Drift Algae clean-up pilot program**

Ms. Zimomra called Council's attention to the permit issued by DEP. She stated that this would allow mechanical equipment testing for red drift algae removal.

### **Public Comment**

Barbara Cooley spoke to the need to have the permit and clean the beaches if red drift algae appears on beaches.

## **4<sup>th</sup> Quarter, FY 2007-2008 Code Enforcement Activity Report and Annual Code Enforcement Activity Report**

## **Quarter, FY 2007-2008 Planning Department Permit Activity Report and Annual Planning Department Activity Report**

## **Report from Planning Department Regarding Lee County Hearing Examiner**

Ms. Zimomra noted that the above was for Council's information. She stated that total permits continue to rise. She further stated that there were 13 new homes under construction and in the last 2 years a total of 32 new homes had been constructed.

## **Recommendation to Approve an Amendment to the South Seas Plantation Master Plan, Reallocate Six Dwelling Units and Authorize Impacts to Mangrove Wetlands Local Government 10 Year Water Supply Facilities Work Plan**

Ms. Zimomra spoke to a report from the Planning Director regarding the South Seas development in a mangrove area. She further stated that a number of years ago the city was involved in a similar case and if Council directed staff would weigh in on the issue.

Discussion ensued regarding staff involvement, at the Lee County Planning Commission level and would be discussed at the Board of Commissioners next.

Council agreed by consensus that staff should carefully word any comments regarding sewage treatment.

## **Annual Progress Report on the 2005 Comprehensive Floodplain Management Plan Student Government Day Thursday, November 06, 2008**

Ms. Zimomra asked Council to review the attachment and decide which subject they wanted to speak to before the 8<sup>th</sup> graders.

Discussion ensued regarding Vice Mayor Ruane, Councilmember Johnston, and Councilman Pappas present at the event, program and Council's involvement as follows:

- Vice Mayor would speak to "How Local Government Affects Your Quality of Life" and "How Does a Citizen become a member of City Council"
- Councilmember Johnston would speak to "How Laws Are Made" and How Sanibel Laws Were Enforced"
- Councilman Pappas would speak to "How Citizens Submit Information to Council"

## **Sanibel Historical and Museum Village, Inc., 4<sup>th</sup> Quarterly Financial Report**

Ms. Zimomra reported that this report was submitted per the agreement.

## CITY ATTORNEY'S REPORT

Mr. Cuyler spoke to the following:

- League of Cities taking a position regarding Boat Mooring and recommended allowing the Mayor to sign a letter from the Florida League of Cities.

Councilmember Johnston made a motion, seconded by Councilman Jennings, to give the Mayor authority to sign a letter.

The motion carried

Mayor Denham noted that Island Water Association (IWA) had submitted a request to increase water rates by 18%. He further explained that according to the franchise agreement a public hearing would be necessary in the future because the request must be approved by City Council.

## COUNCIL MEMBERS' REPORT

Continuation of discussion regarding division and philosophy of responsibilities for City Council members

Mayor Denham spoke to the following:

- Many off-island meetings very valuable
- Ability to find out upcoming legislation
- Council remain involved and share the load
- Would need to do assignments with Councilmember Johnston leaving
- 

Discussion ensued regarding Councilmembers looking out for the wellbeing of the community, due to involvement have a reputation in Tallahassee, makes a difference when individual Councilmembers approach and discuss items of interest with legislators, first obligation to the electorate, Council should review workload to make certain everything was necessary, and each member take on assignments willingly and there may not be liaisons to everything.

Ms. Zimomra passed out the liaison list to Council.

Discussion ensued regarding attendance at the National League of Cities, the National League of Cities being in Orlando, water issues divided between the Mayor and Councilmember Johnston, Mayor take all water activities, Mayor stay with RPC and drop Charlotte Harbor and the Planning Commission, Councilman Jennings could take MPO and remain the liaison to the Horizon Council, Council to review the liaison list, wait to appoint until a member was appointed to fill Councilmember Johnston's seat, new liaison to the 2 pension boards,

Councilmember Johnston left at 3:33 p.m.

### Public Comment

Karen Storjohann spoke to if there was a need of a liaison to all that was on the list.

Barbara Cooley started that the WRAC was not on the list, but staff was involved.

Ms. Zimomra stated there were several committees that staff was involved in at the staff level.

Report on attending the Florida League of Cities Energy and Environmental Quality Committee Meeting in Orlando October 17, 2008

Mayor Denham spoke to this committee earlier. He would bring any policy issues back to Council.

Request from a resident that the Donax Area Traffic Study be placed on the November 4, 2008 agenda for discussion

Ms. Zimomra stated this was a letter that was from a resident and had sent an email without response.

Council agreed to have this item on the November 18 City Council agenda.

Horizon Council Report Transportation Issues Workforce Development  
Councilman Jennings spoke to the following:

- Funding sources not meeting the growth continuing funding shortfalls
- Workforce concerns in Lee County
- Need to develop a stronger relationship between educators and the workforce

There being no further business the meeting was adjourned at 2:44 p.m.

Respectfully submitted by,

Pamela Smith, CMC  
City Clerk