



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Minutes - Draft City Council

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Tuesday, May 7, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

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### 1. CALL TO ORDER

The meeting convened at 9:01 a.m.

### 2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilmember DeBruce)

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

### 3. ROLL CALL

**Present:** 5 - Mayor Richard Johnson, Vice Mayor Mike Miller, Councilmember John Henshaw, Councilmember Holly Smith, and Councilmember Laura DeBruce

Performance by the Sanibel School's Seahorse Chorale

Mayor Johnson provided a brief background of the successes of the Chorale group and introduced the Sanibel School Seahorse Chorale led by Music Director Joseph Giangreco. Council presented the students with hurricane challenge coins.

### 4. SET THE AGENDA

Council requested to move item 18c before Presentation 5j and to move Committees, Boards, Commission item 16a immediately following item 6 Planning Commission Report.

**Councilmember Smith moved, seconded by Councilmember DeBruce to amend the agenda to move New Business item 18c before Presentation 5j, and move Committees, Boards, Commissions item 16a immediately following item 6 Planning Commission Report. The motion carried.**

### 5. PRESENTATION(S)

- a.** Proclamation declaring May 6, 2024 as Sergeant Anthony Neri Day on Sanibel

Mayor Johnson presented Police Chief William Dalton with a proclamation declaring May 6, 2024 as Sergeant Anthony Neri Day. Chief Dalton expressed his gratitude for the proclamation and thanked those that attended the memorial event yesterday.

- b.** Senator Jonathan Martin

Mayor Johnson introduced Senator Jonathan Martin and expressed appreciation and

thanks for his service and efforts. Council presented Senator Martin with a Key to the City.

Senator Martin expressed his appreciation for the recognition and spoke briefly to achievements during the legislative session.

**c. Employee Service Awards**

**i. 1st Quarter, Fiscal Year 2024**

1. John Juzkiw, Wastewater Plant Operator III - 20 Years (Date of Hire: 10/20/2003)
2. Kenneth Sutton, Police Sergeant - 20 Years (Date of Hire: 12/08/2003)

**ii. 2nd Quarter, Fiscal Year 2024**

1. Kyle Eckert, Police Officer - 5 Years (Service Date: 2/25/2019)
2. Anna Hicks, Deputy City Clerk - 5 Years (Hire Date: 3/18/2019)
3. Christine Hodges, Lead Dispatcher - 5 years (Service Date: 1/14/19) (Supplement 2)
4. Franklin Rocha, Tradesworker - 5 Years (Hire Date: 2/22/2019)
5. Jonathan Smith, Police Lieutenant - 20 Years (Hire Date: 2/16/2004)

Human Resources Director Crystal Mansell recognized the employees for years of service for the first and second quarters of FY 2024. Council presented each employee with a certificate and years of service pins.

**d. Recognition of Virginia Centeno, Senior Dispatcher, Sanibel Police Department as Employee of the 2nd Quarter, Fiscal Year 2024**

Director Mansell spoke to the background of the employee of the quarter award and advised the employees who received honorable mention as: Sergeant Matt Casola, Officer Cristopher Chiappy, Detective John Eicher, Police Records Coordinator Linda Garcia, Officer Michelle Rose, and Principal Planner Kim Ruiz . Ms. Mansell then introduced Virginia Centeno as Employee of the 2nd quarter. Council presented Ms. Centeno with a certificate, letter of award and bonus check.

**e. Proclamation recognizing the week of May 5, 2024 through May 11, 2024 as the 55th Annual Professional Municipal Clerks Week**

Mayor Johnson presented City Clerk Scotty Lynn Kelly with a proclamation recognizing Municipal Clerks Week.

**f. Proclamation declaring the week of May 19, 2024 through May 25, 2024 as National Public Works Week**

Mayor Johnson introduced Daniel Flynn, President of the Local Public Works Association, and Fred Mittl, Sanibel Public Works Director, and presented them with a proclamation declaring National Public Works Week.

Public Works Director Fred Mittl expressed his appreciation for the proclamation.

**g. Lee County Bar Association Law Day and Officer of the Year Proclamation**

Mayor Johnson presented Chief William Dalton and Officer Kyle Eckert with a proclamation celebrating Law Day and recognizing Officer Eckert as Sanibel's Officer of the Year. Chief Dalton expressed his appreciation for Officer Eckert and his service. Councilmember Henshaw expressed his appreciation for Officer Eckert's heroism in saving Mrs. Henshaw's life.

**h. Proclamation declaring May 2024 as National Cities, Towns, and Villages Month**

Mayor Johnson advised Councilmember Smith is the City's liaison to the National League of Cities and presented her with a proclamation declaring May as National Cities, Towns, and Villages Month. Councilmember Smith expressed her appreciation for the proclamation and partnership with the National League of Cities.

**i. Legislative Updates:**

**i. Lobbyist Dan Delisi of Delisi, Inc.**

Mayor Johnson welcomed Lobbyist Dan Delisi. Mr. Delisi provided a brief legislative update; speaking to Stormwater Rule and Allocation of Gaming Compact Revenues.

Council expressed their appreciation for Mr. Delisi's service and inquired as to concerns regarding Senate Bill 404 (SB404). Mr. Delisi summarized the removal of authority; advising the State has filed an appeal. Discussion ensued regarding limitations being an 18-month delay in permitting to allow Agencies and Engineers to acclimate to the new rules.

Council inquired if there were critical items in the budget that the Governor hasn't signed. Mr. Delisi advised that Ms. Dempsey (the next presentation) would be able to better respond.

**ii. Lobbyist Angela Dempsey of Poole McKinley, Inc.**

Mayor Johnson introduced Lobbyist Angela Dempsey. Ms. Dempsey provided a session update and addressed Council questions. Ms. Dempsey expressed her appreciation for the partnership with the City of Sanibel.

Council expressed appreciation for the presentation and inquired as to the business tax revenue bill and if it took into account the hurricane. Ms. Dempsey advised it would be best to speak to the sponsor of the bill. Council spoke to being the only municipality represented by Pool McKinley and expressed appreciation for the partnership and Ms. Dempsey's efforts. Council inquired if any appropriations are in jeopardy. Ms. Dempsey responded not at this time; noting the Lobbyists will continue

to advocate throughout the review process.

City Manager Dana Souza expressed his appreciation for Ms. Dempsey's service, patience, and availability. Mr. Souza then advised what funding had been approved for the City of Sanibel; totaling \$222,150,000.00.

Council presented Mr. Delisi and Ms. Dempsey with Hurricane Ian Challenge Coins.

**18. The Captiva Community Panel - Annexation Fact Finding (Supplement 1)**

**c.**

Mayor Johnson introduced Jay Brown and David Mintz and summarized the request. Mr. Jay Brown, President of the Captiva Community Panel (CCP), on behalf of the Captiva Citizens, expressed his appreciation for partnership with the City of Sanibel. Mr. Brown spoke to the request for annexation fact finding. Mr. Mintz, Vice President of the Captiva Community Panel, spoke to addressing concerns of the Citizens and clarified that a survey would be from Captivans to Captivans.

Council thanked Mr. Brown and Mr. Mintz for their participation. Council inquired if the survey would address South Seas. Mr. Brown advised it would be addressed as clearly as possible in the survey.

Council inquired as to setting up private meetings with CCP representatives to discuss the survey. Discussion ensued regarding the annual resident count being approximately 1,500, needing 50% of the Captiva property owners on board, and requesting the survey also go to Sanibel residents.

Attorney John Agnew reiterated that Council has not made any policy changes at this time and advised against having individual meetings regarding the survey, recommending only one Council member being a representative to prevent perceived policy changes. City Manager Souza spoke to providing the information to Council over the weekend and advised that the documents are not confidential. Council reiterated that the survey is a Captiva document not approved or authorized by Sanibel Council. Council expressed concerns with the verbiage included in the draft letter that would accompany the survey.

Discussion continued regarding the perceived assumptions included in the letter and Council concerns that they could not be guaranteed. Mr. Mintz advised that the letter and survey would reflect the concerns of the Councilmembers and advised that the letter and survey are solely owned and authored by the CCP.

**j. Beach Nourishment Project Update**

Natural Resources Director Holly Milbrandt requested a moment of silence for Ken

Humiston of Humiston and Moore who has been missing for three days. Ms. Milbrandt then provided a brief PowerPoint presentation regarding the status of the beach nourishment project and next steps.

Councilmember Smith stepped out of the meeting at 11:39 a.m. and returned at 11:42 a.m.

Council expressed their appreciation for all involved in the completion of the project.

## **6. PLANNING COMMISSION REPORT (Commissioner Nichols)**

Commissioner Nichols provided the following brief report:

Since last report the Planning Commission has met twice.

At the April 9th Meeting:

- Public hearing for consideration of a land development code amendment to revise the master development plan for Bailey's Shopping Center was continued to May 14, 2024 at the request of the applicant. The motion carried unanimously.
- Continuance request by the Applicant for the Island Inn Road Subdivision, to continue from the currently scheduled April 30, 2024, meeting to May 28, 2024, and for the deadline of the associated submission of a written response on how the application is compliant with Sanibel Code Sec. 86-133(b) to be continued from April 16, 2024, to May 14, 2024. The motion carried by a vote of 5-0 with Vice Chair Pfeifer recused.

At the April 30th Meeting:

- There were no public hearings at this meeting.
- Presentation by Lee County Metropolitan Planning Organization regarding the completion of the Shares Use Path Master Plan update. Commission moved to advance to Council the recommendation to approve as drafted, advise Council of the comments from the Parks and Recreation Advisory Committee, and advising the extent of discussions held at Planning Commission level. The motion carried unanimously.

The next meeting is at 9 a.m. on May 14, 2024, here at BIG ARTS.

### **16. Planning Commission Member Appointment**

- a. RESOLUTION 24-029 APPOINTING ONE MEMBER TO THE SANIBEL PLANNING COMMISSION TO FILL THE REMAINDER OF A TERM BEGINNING ON MAY 7, 2024, THROUGH MIDNIGHT, JANUARY 12, 2026; AND PROVIDING AN EFFECTIVE DATE.** (Applicants listed in alphabetical order by last name.)

City Manager Souza passed out ballots to Council. Council expressed their

appreciation for the number of applications received and quality of the applicants.  
Attorney Agnew tallied the votes as unanimous appointment of Kate Sergeant.  
Council welcomed Ms. Sergeant.

Attorney Agnew read into record the title of Resolution 24-029.

**Vice Mayor Miller moved, seconded by Councilmember Smith, to adopt Resolution 24-029 with the blank filled as Kate Sergeant. The motion carried.**

## **7. PUBLIC COMMENTS FOR NON-AGENDA ITEMS**

Public Comment:

- Chauncey Goss - need to figure out a way to assist with recovery efforts for businesses
- Bob Moore - Chair of SanCap Resilience - thanked all involved for support of resiliency efforts and spoke to the CDBG-DR grant funds for updating the Sanibel Plan

## **15. 11:45 A.M. CONVENE AN EXECUTIVE SESSION RELATING TO FRATERNAL ORDER OF POLICE (FOP) UNION NEGOTIATIONS**

In attendance shall be only the following persons:

Mayor Richard Johnson  
Vice Mayor Mike Miller  
Councilmember Laura DeBruce  
Councilmember John Henshaw  
Councilmember Holly D. Smith  
Sanibel City Manager Dana Souza  
Sanibel City Attorney John Agnew  
Sanibel Deputy City Manager Steve Chaipel  
Administrative Services Director Crystal Mansell  
Labor Counsel Wayne Helsby (Allen, Norton & Blue)  
Labor Counsel John "J.K." Keller, IV (Allen, Norton & Blue)

Attorney Agnew spoke to the process for a shade session and advised those that will be in attendance. Mr. Agnew advised the meeting would reconvene around 1:15 p.m.

The meeting recessed at 12:12 and reconvened at 1:30 p.m.

**Councilmember Smith moved, seconded by Vice Mayor Miller, to recess the meeting to enter a shade session with the attendees as stated by Attorney Agnew. The motion carried.**

## **8. CITY COUNCIL COMMENTS**

Vice Mayor Miller thanked the Seahorse Chorale, congratulated all those receiving service awards, and congratulated Virginia Centeno upon being elected Employee of the 2nd quarter. Mr. Miller spoke to an impact statement provided by FISH of SanCap and concurred with focusing on resiliency during the Master Plan update. He

further spoke to the CDBG-DR grant awards and thanked Craig Chandler and Planning Staff for their efforts in applying for the grants. Finally, he spoke to an article in Gulf Shore Business relating to changes affecting Captiva.

Councilmember DeBruce thanked Council for welcoming her and thanked Staff for their assistance and guidance. Ms. DeBruce spoke to comments made by Chauncey Goss, expressed appreciation for the efforts of the understaffed Planning Department, and noted code items under review and looking forward to the responses from Staff.

Councilmember Smith concurred with the accolades for those recognized this morning, expressed appreciation for Senator Martin being in attendance, noted Representative Adam Botana being scheduled to attend in June, and attending the Law Week Awards luncheon where Officer Eckert was awarded Officer of the Year. Ms. Smith spoke to attending the South Florida Ecosystem Restoration Task Force meetings, and condolences for the memorial of Sergeant Anthony Neri. Ms. Smith inquired if there were items to be addressed on her next trip to Washington DC.

Councilmember Henshaw concurred with the accolades and recognitions and spoke to the 50th anniversary celebrations being scheduled for a 13-month period. Mr. Henshaw spoke to addressing and enforcing ordinances that have been passed to show progress in recovery from Ian.

Mayor Johnson expressed condolences for the passing of Senator Passidomo's husband and Sanibel Tradesworker Germaine Sears' wife. Mr. Johnson spoke to hurricane preparedness, expressed congratulations for the Seahorse Chorale accomplishments, and concurred with accolades for those who received awards and proclamations.

By consensus, Council authorized Councilmember Smith to speak on behalf of Council during her trip to Washington DC.

## **9. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS**

Councilmember DeBruce requested to look at the requirements in the Land Development Code, specifically addressing parking and traffic. City Manager Souza advised Staff would put together some information, noting Planning is working on parking regulations. Discussion ensued regarding the allowances provided by continuing to be under the local state of emergency. City Manager Souza spoke to monitoring for issues, perceived issues, and wants; working to address while monitoring unintended consequences. Mr. Souza further spoke to the number of Planning permits that are being reviewed and processed in addition to the reports being received from the Building Department.

Vice Mayor Miller spoke to addressing e-bikes on the shared use path, possibly at

the June meeting. Councilmember Smith added to it a request for implementing the Ranger Program. Discussion ensued regarding enforcing the ordinance that already exists relating to e-bikes on the shared use paths.

Vice Mayor Miller requested the coyote impact study be included in the next meeting agenda.

Mayor Johnson spoke to prioritizing items to address them accurately. City Manager Souza summarized the items that had Council consensus as:

- LDC amendments, assisting businesses to get back operating, and addressing e-bike regulations.
- Rangers Program, working with Chief Dalton to hire and implement the program.
- Coyote Study (not consensus, but would be brought back when the petitioner comes back to town).

Council inquired about getting assistance from Sanibel Captiva Conservation Foundation (SCCF) or a Conservation Organization for funding of the coyote study.

## **10. FIRST READING OF AN ORDINANCE AND SCHEDULING OF PUBLIC HEARING**

### **a. Sunsetting Local Contractor Review Board & Construction Industry Regulation Board**

**ORDINANCE 24-008 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, RELATING TO THE SUNSETTING OF THE CONTRACTOR REVIEW BOARD AND THE CONSTRUCTION INDUSTRY REGULATION BOARD BY AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, ARTICLE I, IN GENERAL, SECTION 14-6, ENFORCEMENT AND PENALTIES, ARTICLE II, ADMINISTRATION, DIVISION 1, GENERALLY, SECTION 14-31, ENFORCEMENT, POWERS OF AUTHORIZED OFFICIALS, DELETING DIVISION 3, CONSTRUCTION INDUSTRY REGULATION BOARD IN ITS ENTIRETY AND RESERVING DIVISION 3 FOR FUTURE USE; AND DELETING ARTICLE III, LICENSES, REGISTRATIONS, AND CERTIFICATIONS IN ITS ENTIRETY AND RESERVING ARTICLE III FOR FUTURE USE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attorney John Agnew read into record the title of Ordinance 24-008.

Second Reading and Public Hearing scheduled for 9:10 a.m., Tuesday, June 4, 2024.

## **11. 9:10 - SECOND READING AND PUBLIC HEARING**

### **a. Below Market Rate Housing**



**ORDINANCE 24-007 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATED TO HOUSING STANDARDS AND POLICIES OF THE BELOW MARKET RATE HOUSING PROGRAM, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE III, RESIDENTIAL, DIVISION 3, UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) AND MULTIFAMILY HOUSING, SUBDIVISION III, MULTIFAMILY HOUSING, SECTION 86-158, MINIMUM SIZE OF PARCEL, AND SECTION 86-159, MINIMUM WIDTH OF PARCEL; CHAPTER 90, FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 7, DEVELOPMENT PERMITS IMPLEMENTING CONDITIONAL USE APPROVAL, SECTION 90-178, INCREASED-DENSITY BELOW MARKET RATE HOUSING; ARTICLE IV, PUBLIC HEARINGS, DIVISION 4, CONDITIONAL USES, SECTION 90-393, INCREASED-DENSITY BELOW MARKET RATE HOUSING; CHAPTER 102, HOUSING, ARTICLE II, BELOW MARKET RATE HOUSING, DIVISION 3, BELOW MARKET RATE HOUSING RENTAL PROGRAM, BY ADDING SECTION 102-101, PURPOSE AND INTENT, AND AMENDING SECTION 102-102, QUALIFICATION AND RANKING OF APPLICANTS; AND AMENDING CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USES, SECTION 126-85, INCREASED DENSITY BELOW MARKET RATE HOUSING; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Ordinance 24-007. Deputy Planning Director Craig Chandler provided a brief background for the proposed ordinance; advising there was a second first reading of the ordinance at the April meeting.

Council inquired about the condition for advising waitlist applicants. Mr. Chandler advised the proposed language was the result of conversations with Council, Staff, and the Affordable Housing Administrator, Community Housing and Resources (CHR) Inc.

Councilmember Henshaw moved, seconded by Councilmember Smith, to adopt Ordinance 24-007. The motion carried.

## **12. DISCUSSIONS OF DRAFT LEGISLATION**

### **a. School Speed Zones - DISCUSSION ONLY**

**DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO CHAPTER 66, TRAFFIC, BY BIFURCATING ARTICLE III. SPEED LIMITS, INTO TWO DIVISIONS, DIVISION 1. GENERALLY, AND ADDING A NEW DIVISION 2, SCHOOL SPEED ZONES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of the draft ordinance. Chief Dalton spoke to the questions from Council at the last meeting and requested approval to move forward with choosing a vendor and implementing the signs.

Council inquired if there were regulations to ensure there is minimal profit margin. Chief Dalton advised that compliance is expected to be around 85% and that the minimal portion kept by the vendors is not unreasonable. Discussion ensued regarding next steps regarding maintenance and monitoring of the signs. Chief Dalton requested to allow the vendor to come in to make a presentation. Attorney Agnew spoke to many of those concerns being addressed during contract negotiations.

Discussion ensued regarding condition 10 in the draft (66-130, page 10, \$12 for School District distribution; included in 66-128, page 5); being consistent throughout.

Consensus to forward to first reading on June 4th.

### 13. CONSENT AGENDA

#### a. ADOPTION OF RESOLUTIONS

- i. **RESOLUTION 24-017 APPROVING BUDGET AMENDMENT 2024-004 TO APPROPRIATE FUNDING FOR DREDGING OF THE SHELL HARBOR AND SANIBEL ISLES ENTRANCE CANAL AND PROVIDING AN EFFECTIVE DATE** (To appropriate funding to support a dredging project for fiscal year 2024. Funding for the project is coming from the General Fund and ending fund balance. General Fund and ending fund balance. This amendment increases the FY 2024 budget by \$30,000 (the amount of the interfund transfer).)
- ii. **RESOLUTION 24-026 APPROVING BUDGET AMENDMENT 2024-007 TO APPROPRIATE FUNDING A TRAFFIC INTERSECTION STUDY AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$164,465 in funding for a traffic flow intersection study at the Periwinkle Way/Lindgren Boulevard/Causeway Boulevard intersection. This amendment does not increase the fiscal year 2024 budget.)
- iii. **RESOLUTION 24-027 APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$1,000,000 TO REPAIR AND REPAVE CERTAIN SECTIONS OF THE SHARED USE PATH SYSTEM; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the titles of Resolutions 24-017, 24-026, and 24-027.

Councilmember Smith moved, seconded by Councilmember Henshaw, to adopt Resolutions 24-017, 24-026, and 24-027. The motion carried.

#### b. BUSINESS ITEMS

- i. Adoption of Minutes - April 2, 2024 Regular Meeting
- ii. Request from the Friends of Don, Inc. to co-sponsor the Independence Day Parade and waive the Special Events application fee (This is a grandfathered event)
- iii. Approval of a request for Community Housing Resources, Inc. to place a temporary sign at 1517 Periwinkle Way
- iv. Approval of the Wulfert Waste Water Treatment Plant (WWTP) Reclaimed GST repair awarded to Florida Aquastore as a sole source provider in the amount of \$126,950.00.
- v. Professional Services in Conjunction with the City's 2024 Street Resurfacing Project - Approval of a proposal from Stantec Consulting Services, Inc. to provide for professional engineering services in the amount of \$175,710.00 and authorize the City Manager to execute the agreement. (Funds are available for these professional services in the FY2024 adopted budget.)
- vi. Professional Services in Conjunction with the City's FEMA SUP Repair Project - Approval of a proposal from Hole Montes to provide professional engineering services in the amount of \$118,000.00 and authorize the City Manager to initiate the services.
- vii. Approval of an agreement with Lee County for the installation and maintenance of solar school flashing lights in the amount of \$30,452 (\$21,250 solar flasher lights, feedback sign and pole, \$7,358 installation of foundations, \$1,844 maintenance contract with Lee County)

Approval of Consent Agenda Business Items 15(b)(i), (ii), (iii), (iv), (v), (vi), and (vii).

**Vice Mayor Miller moved, seconded by Councilmember Smith, to approve Consent Agenda Business Items 15(b)(i), (ii), (iii), (iv), (v), (vi), and (vii). The motion carried.**

## **CONSENT ITEMS PULLED FOR DISCUSSION**

No items were pulled for discussion.

## **14. INFORMATIONAL ITEMS**

- a. Donax and Phase IV Sewer Update
- b. Hazard Mitigation Grant Project Updates (Tradewinds, East Rocks)
- c. Water Quality Report from Natural Resources Department
- d. Sanibel Causeway Traffic Counts for March and Fiscal and Calendar Year 2024

- e. Finance Department Reports
  - i. General Fund quarterly financial report for the second quarter of fiscal year 2024
  - ii. Recreation Fund quarterly financial report for the second quarter of fiscal year 2024
  - iii. Building Fund quarterly financial report for the second quarter of fiscal year 2024
  - iv. Sewer Fund quarterly financial report for the second quarter of fiscal year 2024
  - v. Beach Parking Fund quarterly financial report for the second quarter of fiscal year 2024
  - vi. Fiscal Year 2024 2nd Quarter Investment Report prepared by City's investment manager
- f. Shared Use Path Master Plan Update
- g. City of Sanibel Long Term Community Recovery Plan - Developed by Federal Emergency Management Agency (FEMA) Community Assistance
- h. CDBG-DR Planning Grants Update

Vice Mayor Miller spoke to the budget presentation award received and congratulated Staff upon their achievement.

## **16. COMMITTEES BOARDS COMMISSION**

- b. Acceptance of Annual and Attendance Reports
  - i. Historical Preservation Committee
  - ii. Parks and Recreation Advisory Committee
  - iii. Planning Commission Subcommittees
    - 1. Below Market Rate Housing Review Subcommittee
    - 2. Capital Improvement Projects Review Subcommittee
    - 3. Land Development Code Review Subcommittee
    - 4. Permitting Process Review Subcommittee
  - iv. Vegetation Committee

Councilmember Smith moved, seconded by Vice Mayor Miller, to receive and file the referenced reports. The motion carried.

## **17. OLD BUSINESS**

- b. **RESOLUTION 24-031 AMENDING RESOLUTION 23-039 ESTABLISHING THE**

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**SANIBEL CITY COUNCIL REGULARLY SCHEDULED MEETING DATES FOR THE 2024 CALENDAR YEAR, RESCHEDULING THE NOVEMBER 12, 2024 MEETING TO 9:00 A.M. FROM 5:30 P.M.; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Resolution 24-031. Discussion ensued regarding rescheduling the Planning Commission meeting to November 19 to accommodate the schedule changes.

**Councilmember Smith moved, seconded by Councilmember Henshaw, to adopt Resolution 24-031. The motion carried.**

**c. Ratification of Emergency Structural Repairs at the Sanibel Lighthouse**

Deputy City Manager Steve Chaipel provided a summary of the repairs and the request for ratification. Discussion ensued regarding not expecting further repairs that are not covered by insurance.

**a. Police Building Design Presentation - 90% Design**

Clarisa Parodi, Principal for ADG Architecture, provided a PowerPoint presentation of the proposed design of the Police Department building.

Council expressed appreciation for taking in the concerns and desires of the City; ensuring it meets the requirements of the Sanibel Plan. City Manager Souza thanked Ms. Parodi and her team as well as Staff members that participated in the review process. Mr. Souza further spoke to funding opportunities and options.

Discussion ensued regarding Target Builders being the Construction Manager at Risk. Chief Dalton spoke to benefits of the building design and expecting it to meet needs for the future.

**Vice Mayor Miller moved, seconded by Councilmember DeBruce, to approve the Police Building 90% Design. The motion carried.**

**d. CDBG-DR Grant Applications**

**RESOLUTION 24-032 AUTHORIZING THE DEPUTY PLANNING DIRECTOR AND CITY ENGINEER TO SUBMIT TWO APPLICATIONS FOR THE PUBLIC FACILITIES AND CRITICAL INFRASTRUCTURE PROGRAM OF THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) FUND TO LEE COUNTY ON BEHALF OF THE CITY OF SANIBEL FOR PROSPECTIVE SUBGRANTEE PROJECTS OF FISH OF SANCAP, SANIBEL FIRE AND RESCUE DISTRICT, BIG ARTS, AND ISLAND WATER ASSOCIATION, INC. RELATING TO UNMET COMMUNITY NEEDS RESULTING FROM EFFECTS OF HURRICANE IAN; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Resolution 24-032. Deputy Planning Director Chandler provided a summary of the purpose for the Resolution and grants being applied for.

Council expressed appreciation for Deputy Director Chandler and City Engineer Oisin Dolley's efforts in applying for the grants. Discussion ensued regarding all municipalities applying for the grant funding available for Hurricane Ian recovery.

Council inquired if the projects were consecutive or separate. Mr. Chandler responded that there should not be a cascading effect. Mr. Dolley also replied that the projects are separate and would not require additional funding. Mr. Chandler further expressed appreciation for the efforts of Eric Jackson, Public Information Officer and Mark Harmon, Grants Manager.

**Vice Mayor Miller moved, seconded by Councilmember Smith, to adopt Resolution 24-032. The motion carried.**

- e. Ratification of the City Manager's approval of two (2) change orders and one contract pertaining to the Post Hurricane Ian Emergency Berm/Beach Recovery Project.

Natural Resources Director Holly Milbrandt provided a brief background of the request. Advising a correction to Request 2 as 54,301 tons of sand, \$446,897.23, and revised contract amount as \$3,822,020.23. Discussion ensued regarding the third proposed motion and efforts to complete work at Clam Bayou.

**Vice Mayor Miller moved, seconded by Councilmember Smith, to ratify Agreement DNR24-005, Change Order 2 with Eastman Aggregate Enterprises, LLC that was approved by the City Manager on April 22, 2024, for additional placement of 75,000 tons of sand at Lighthouse Beach Park as part of the Sanibel Island Post Hurricane Ian Emergency Berm/Beach Recovery Project at a price of \$3,048,687.50, for a revised contract amount of \$13,854,772.50. The motion carried.**

**Councilmember Smith moved, seconded by Vice Mayor Miller, to ratify Agreement DNR24-006, Change Order 1 with Vulcan Construction Materials, LLC, that was approved by the City Manager on April 22, 2024, for the direct purchase of 54,410 tons of specified sand for the Sanibel Lighthouse component of the Sanibel Island Post Hurricane Ian Emergency Berm/Beach Recovery Project at a price of \$8.23/ton for a cost of \$446,897.23, for a revised contract amount of \$3,822,020.23. The motion carried.**

**Councilmember DeBruce moved, seconded by Councilmember Henshaw, to ratify Agreement DNR24-007 with Earth Tech Enterprises, LLC, that was approved by the City Manager on April 22, 2024, to recover 8,000 tons of over washed sand from Clam Bayou as part of the Sanibel Island Post Hurricane Ian Emergency Berm/Beach Recovery Project at a total cost of \$75,200.00. The motion carried.**

- f. Approval of a Professional Services Agreement with Johnson Engineering, Inc for engineering design and permitting of the Sanibel Slough Stormwater Capacity and Water Quality Improvement Project in the amount of \$212,049. Funding is provided by the Florida Department of Environmental Protection, Agreement LPA0679 approved by City Council on 11/7/2023.

Ms. Milbrandt gave a brief history of the project.

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**Councilmember Henshaw moved, seconded by Councilmember Smith, to approve the Scope of Services proposal submitted by Johnson Engineering for in the amount of \$212,049. The motion carried.**

- g.** Award a 3-year contract to Bayside Dredging LLC, to provide dredging services to the City of Sanibel in accordance with their bid submitted to the City on April 17, 2024, and approve dredging at the entrance's canals to Shell Harbor and Sanibel Harbours in the amount of \$237,500.00 for FY24.

Director Mittl spoke to the bidding process for the dredging project, lowest bidder was recommended a 3-year contract to dredge Shell Harbor. Discussion ensued regarding funding being secured for FY 2024 to dredge Shell Harbor and Sanibel Harbour.

Council inquired about pricing for the projects as a whole. Mr. Mittl noted fixed pricing for the 3 years and benefit of only one mobilization cost.

**Vice Mayor Miller moved, seconded by Councilmember Smith, to award a 3-year contract to Bayside Dredging LLC, to provide dredging services to the City of Sanibel in accordance with their bid submitted to the City on April 17, 2024, and approve dredging at the entrance's canals to Shell Harbor and Sanibel Harbours in the amount of \$237,500.00 for FY24. The motion carried.**

- h.** Professional Services in Conjunction with the City's FEMA Roadway Repair Project - Approval of a proposal from Stantec Consulting Services, Inc. to provide professional engineering services in the amount of \$348,860.00 for Hurricane Ian related paved road repairs and authorize the City Manager to execute the agreement. (Funding for these services will come from FEMA PA project funding.)

Public Works Director Fred Mittl provided a background for the request. Discussion ensued regarding funding coming from the \$28M loan, and this being for Phase 1. City Manager Souza advised funding would come from the \$28M loan from the State. Discussion ensued regarding the extent of consideration by Council before these approvals are made.

**Councilmember DeBruce moved, seconded by Vice Mayor Miller, to approve a proposal from Stantec Consulting Services, Inc to provide professional engineering services in the amount of \$348,860.00 and authorize the City Manager to initiate the services. The motion carried.**

- i.** Post Hurricane Ian Surface Water Management Master Plan - Approval of a proposal submitted by Johnson Engineering for the Post Hurricane Ian Surface Water Management Master Plan for FY2024 in the amount of \$381,024.00.

Director Mittl provided background information for the request.

**Councilmember Smith moved, seconded by Vice Mayor Miller, to approve the proposal submitted by Johnson Engineering for the Post Hurricane Ian Surface Water Management Master Plan for FY2024 in the amount of \$381,024.00. The motion carried.**

- j.** Approval of a proposal from Tetra Tech, Inc. to provide professional engineering services in the amount of \$499,840.00 for Hurricane Ian related wastewater lift station rehabilitation and authorize the City Manager to execute same. (Funding for these services will come from FDEP Lift Station Control Panel Replacement Grant HA037 project funding.)

Public Works Director Mittl provided background information for the request. Discussion ensued regarding interchangeability between the panels and lift stations. Council inquired as to funding options. Deputy City Manager Chaipel spoke to Public Assistance (PA) projects and funding options. Discussion ensued regarding making the panels and lift stations more resilient for the future.

**Vice Mayor Miller moved, seconded by Councilmember DeBruce, to approve a proposal from Tetra Tech, Inc. to provide professional engineering services in the amount of \$499,840.00 and authorize the City Manager to initiate the services. The motion carried.**

**k. Independence Day Discussion**

City Manager Souza summarized the memorandum provided in the agenda packet. Discussion ensued regarding this being the right decision for safety issues and what other events are happening on July 4th. City Manager Souza spoke to success of the Recreation Department event last year and planning to host again. Council expressed appreciation for the return of the Independence Day Parade, understanding for safety concerns and cancellation of fireworks display, and encouraging all to participate in the event hosted by the Recreation Department.

**18. NEW BUSINESS**

**a. RESOLUTION 24-028 APPROVING A LOAN AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE STATE OF FLORIDA DIVISION OF EMERGENCY MANAGEMENT IN THE AMOUNT OF \$28,000,000 FOR HURRICANE IAN RECOVERY PROJECTS ELIGIBLE FOR REIMBURSEMENT THROUGH THE PUBLIC ASSISTANCE PROCESS WITH THE FEDERAL EMERGENCY MANAGEMENT AGENCY; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Resolution 24-028.

Council inquired if the loan covers loss of revenue. Mr. Chaipel advised that lost revenue was not an approved use. Discussion ensued regarding the term of the loan being based on the reimbursement of the last project completed.

Continued discussion ensued regarding appreciation for the State Legislature and efforts to assist municipalities in recovery efforts and covering cost gaps.

**Councilmember Henshaw moved, seconded by Councilmember Smith, to adopt Resolution 24-028. The motion carried.**

**b. Strategic Goals - Fiscal Year 2025**

City Manager Souza provided a brief PowerPoint presentation demonstrating the redlined changes to wording of the goals.



**Councilmember Smith moved, seconded by Vice Mayor Miller, to approve the 2025 Strategic Goals as amended. The motion carried.**

**d. Florida Gulf Coast University (FGCU) Support Letter - Collaborative Water Center (Supplement 2)**

Mayor Johnson spoke to receiving the information from President Timur and provided a brief background; advising of the May 14, 2024 deadline for submission.

Discussion ensued regarding if Florida Gulf Coast University (FGCU) were in partnership with Sanibel Captiva Conservation Foundation (SCCF) and the Sanibel Water School. Discussion ensued regarding if the University of Florida (U of F) may also be a good partner. Mayor Johnson noted only FGCU had contacted the City for support.

**Vice Mayor Miller moved, seconded by Councilmember Henshaw, to prepare the letter of support signed by all Council members. The motion carried.**

## **19. CITY MANAGER'S REPORT**

City Manager Souza provided a brief PowerPoint presentation regarding proposed amendments to Section 90-104 Fences through a Mayoral Proclamation and to be updated in the upcoming fee study.

By consensus, Council approved.

City Manager Souza then spoke to concerns with language for Section 82-421 and Section 82-422 under Long Form applications and Section 126-82 General Requirements for Conditional Use Permit Applications. Mayor Johnson advised having submitted multiple conditional use permit applications and asked if he should recuse himself. Attorney Agnew advised this was not an item for approval nor an item that would be a conflict for Mr. Johnson. Mr. Souza continued with background for the concerns needing review.

Planning Director Paula McMichael clarified how to move applications forward to Planning Commission for review and spoke to the conditional use permit applications currently in process. She further spoke to the review process and the code standards regarding parking; advising that parking standards are in the process of going to Commission for review and possible amendment. City Manager Souza spoke to the process of staff reviewing completed applications and forwarding to Commission as needed. Attorney Agnew spoke to the legal standard for "competent and substantial evidence".

Discussion ensued regarding process and review procedures before moving to Commission for a public hearing. Council expressed concerns with traffic impacts and making sure the application process is not cost prohibitive. City Manager Souza advised the proposed process was intended to expedite review and hearings. Discussion ensued regarding the proposal removing a burden from Staff and being a

good step forward. Attorney Agnew spoke to the new format for staff reports provided during the review process and how information will be presented to Commission.

Discussion turned to updating the website with a Shared Use Path specific page which can be accessed via a medallion on the City's website homepage.

Discussion ensued regarding the possibility of an app. City Manager Souza advised that staff is interviewing companies to switch website vendors and update the website.

## **20. CITY ATTORNEY'S REPORT**

No further report.

## **21. COUNCIL MEMBERS' REPORTS**

No further reports.

## **22. PUBLIC COMMENT**

There were no comments from the audience.

## **23. ADJOURNMENT**

There being no further business, the meeting adjourned at 4:57 p.m.