



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Minutes - Final City Council

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Tuesday, July 16, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

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### Set Proposed Millage Rate

#### 1. CALL TO ORDER

The meeting convened at 9:00 a.m.

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

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

#### 3. ROLL CALL

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

#### 4. SET THE AGENDA

Councilmember Smith inquired if item 9 could be moved following item 5.

**Councilmember DeBruce moved, seconded by Councilmember Smith, to move Item 9 following Item 5d. The motion carried.**

#### 5. PRESENTATION(S)

- a. Presentation of the City of Sanibel's Judith Ann Zimomra Scholarship Awards:
  - i. Caroline Dillon - daughter of Denise Dillon, Support Services Assistant, Sanibel Recreation Department
  - ii. Analise Gingerich - daughter of Chad Gingerich, Computer Support Specialist, Information Technology, Police Department
  - iii. Colin Menzel - son of Chris Menzel, Tradesworker, Sanibel Recreation Department
  - iv. Kaia Miller - daughter of Andrea Miller, Director, Sanibel Recreation Department

Human Resources Director Crystal Mansell provided a brief history of the scholarship program and introduced the recipients and their families. Councilmember Henshaw spoke his appreciation for the program and congratulated all the recipients. Mayor Johnson echoed the accolades.

- b. Recognition of Kevin Kloesz, Police Aide Supervisor, Sanibel Police Department, as Employee of the 3rd Quarter, Fiscal Year 2024.

Human Resources Director Crystal Mansell introduced Mr. Kevin Kloesz as employee of the quarter and provided a brief bio, stating comments made in his

nominations. Ms. Mansell noted Jacklyn L'Archevesque, Kim Ruiz, and Albert Sanchez were also nominees. Police Chief Bill Dalton spoke his appreciation for Mr. Kloesz's service and accomplishment. Mayor Johnson presented him with a certificate, letter of achievement and check. Council expressed their congratulations.

- c. Recognition of William "Bill" Dalton, Sanibel Chief of Police, for 30-years of dedicated service to the City of Sanibel (Date of Hire: 05/16/1994)

Human Resources Director Crystal Mansell proved a brief biography for Police Chief William Dalton's 30 years of service to the City of Sanibel. Council expressed their appreciation for Chief Dalton. City Manager Dana Souza spoke also spoke his appreciation for Chief Dalton's service, highlighting efforts in his service. Mayor Johnson presented Chief Dalton with a 30 year pin and a watch. Mr. Dalton thanked everyone for the recognition and spoke his sincere appreciation for his Staff, Council and the Community. He further spoke his appreciation to his family for their support and encouragement.

- d. Lee County Electric Cooperative Hurricane Presentation

Allan Ruth, Lee County Electric Cooperative (LCEC), Director of Business Continuity, provided a brief PowerPoint presentation regarding hurricane preparedness and recovery. Council spoke appreciation for the efforts of LCEC and their partners following Hurricane Ian.

Council inquired what could be done to create greater physical resilience for the next emergency. Mr. Ruth spoke to efforts to update the system from wood poles to cement poles, noting this has been in the works since 2012. Discussion ensued regarding being creative and innovative in terms of resiliency. Mr. Ruth advised there is a resiliency team working on ideas and pursuing grants for resiliency projects.

## 9. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS

Councilmember Smith requested to allow the General Manager of Sundial to come and speak at the July 30th workshop, coming back with a Resolution for approval of a Beach Club program. City Manager Souza requested Council do a motion to change the budget workshop to a special meeting to allow for action to be taken.

Discussion ensued regarding there being other organizations that would apply, needing to set an end date for the program, what unintended consequences there may be, and what resources would be needed. Councilmember Henshaw spoke to being out of the Country for the July 30th meeting. Council inquired what "Beach Club" actually means and noted looking forward to Staff research and recommendations demonstrating what efforts/actions could be taken.

Public Comment:

- Ken Bergener - Sanibel Resident - support the program concept
- Becky Miller - General Manager of Sundial - requesting support of the short term project, not expecting this to be a long term business plan. Ms. Miller summarized the expectations of the short term plan. Discussion ensued regarding how the day pass program and parking would be accommodated.
- John Lai - Chamber of Commerce Executive Director - spoke to the statistics for getting the resorts and short term rentals re-opened, expressing support of the proposed program.
- Roger Grogman - Sanibel Resident - support the program concept

Discussion ensued regarding the program having been successful at 'Tween Waters.

City Manager Souza spoke to providing a Resolution and further research at the meeting. City Attorney John Agnew advised the background for the Resolution. Discussion ensued regarding staff availability to prepare for the special meeting.

Councilmember DeBruce inquired about the R2P2 meetings and if the Planning Department would be addressing the topics brought up. Discussion ensued regarding the workshops being to gather topics and that the program was for fact finding, ensuring the Planning Commission is involved in the process, allowing further time to understand concepts proposed. City Manager Souza spoke to the meetings held last week, the process ending in October, and coming up with a timeline for addressing the topics.

**Councilmember Smith moved, seconded by Councilmember DeBruce, to change the July 30th workshop to a special meeting to include this and any other items needing to be addressed. The motion carried.**

## **6. PLANNING COMMISSION REPORT (Chair Grogman)**

Planning Commission Chair Roger Grogman provided the following brief report: Since last report the Land Development Code Review Subcommittee and Planning Commission have each met.

At the June 11th LDC Subcommittee Meeting:

- Discussion regarding proposed code amendments for resort housing height limitations. Forwarded to Planning Commission.
- Discussion regarding proposed code amendments for nonresidential parking standards. Forwarded to Planning Commission.
- Continued discussion regarding the definition of an open body of water. Coming back to LDC for further discussion.

At the July 9th Planning Commission Meeting:

- Public hearing for a variance to allow an 84.5-square footage increase in maximum allowed impermeable coverage and a 27-square footage increase in

- the maximum allowed vegetation removal and developed area at 690 Birdie View Point. This item was continued to July 23, 2024.
- Consideration of a recommendation to City Council for an ordinance amending the Code of Ordinances to adjust height limitations within the Resort Housing District. Forwarded to City Council for consideration of a 37-foot height limit. The motion passed by a vote of 5-1 with Commissioner Colter opposed and Commissioner Welch excused.
  - Consideration of a recommendation to City Council for an ordinance amending the Code of Ordinances to reduce nonresidential minimum parking requirements. Forwarded to City Council for consideration. The motion passed by a vote of 6-0 with Commissioner Welch excused.
  - Discussion regarding the LDC Amendment Priorities List - Staff will bring back an updated list at the next meeting.

The next Planning Commission meeting will be at 9 a.m. on July 23, 2024, here at BIG ARTS.

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

Public Comments:

- Ken Bergener - Sanibel Resident - proposed use of "time benches" to replace the "time capsules" on the island. He further proposed having a list of people that would volunteer to use their homes following the next emergency.

## **8. CITY COUNCIL COMMENTS**

Vice Mayor Miller spoke appreciation for the visit by Senator Rick Scott, thanked FISH for efforts to provide counseling on the island, thanked the Planning Department for efforts with the R2P2 program. Mr. Miller further spoke to issues with getting insurance for the condominiums on the island, and concerns with COAs changing their bylaws to eliminate short term rentals less than 30 days.

Councilmember DeBruce spoke to the community showing for the Fire Department ribbon cutting, spoke appreciation for CHR's second annual resident reception, thanked Ms. Smith for efforts to organize the meeting with Senator Rick Scott and the Lee County Board of County Commissioners (BOCC). Further she spoke her appreciation for the R2P2 program and the ideas that came out of it, supporting more townhall type meetings in the future.

Councilmember Smith spoke to thanked Council for attending the Senator's meeting, spoke appreciation for the Independence Day celebrations, specifically the event hosted by the Recreation Department. Ms. Smith further spoke to the veto of the short term rentals bill (SB280) and read into record comments from the Governor. She then spoke to code enforcement hearings regarding short term rental violations. Additionally, she spoke to the meet and greet event to welcome the new Colonel to

the Army Corps of Engineers (ACOE), and the R2P2 meetings. Ms. Smith expressed her condolences for the passing of Tom Gilhooley.

Councilmember Henshaw spoke appreciation for the Independence Day event hosted by Recreation, congratulated Chief Dalton on his service achievement, and spoke appreciation for Officers Murry and Casola in handling situations on the island. Mr. Henshaw spoke to efforts in planning the celebration events of the City's 50th anniversary.

Mayor Johnson spoke appreciation for the Independence Day parade return, the well done event at the Recreation Center, and road rally event. Mr. Johnson further spoke to the R2P2 events, speaking to the critical conversations that result. He additionally spoke to concerns for the insurance issues mentioned by Vice Mayor Miller.

The meeting recessed at 11:15 a.m. and reconvened at 11:28 a.m.

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

### a. Interim Council Member Appointments

**ORDINANCE 24-011 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ALLOW THE CITY COUNCIL GREATER FLEXIBILITY IN DETERMINING INTERIM COUNCIL MEMBER APPOINTMENTS AND ANY NECESSARY SPECIAL ELECTION FOLLOWING A VACANCY IN ITS MEMBERSHIP BY AMENDING THE CITY'S CHARTER, ARTICLE III, LEGISLATIVE, SECTION 3.07, VACANCIES, FORFEITURE OF OFFICE; FILLING OF VACANCIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; PROVIDING FOR REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Ordinance 24-011.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, August 20, 2024.

### b. Franchise Agreement Repeal

**FIRST READING - ORDINANCE 24-012 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO DELETE IN ITS ENTIRETY APPENDIX A, FRANCHISES, ARTICLE IV, SOLID WASTE COLLECTION AND DELIVERY SERVICE, AND RENUMBERING SUBSEQUENT ARTICLE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT, INCLUDING REPEAL OF ORDINANCE 17-003; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Ordinance 24-012.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, August 20,

2024.

c. **Milestone Inspections**

**FIRST READING - ORDINANCE 24-013 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS; RENUMBERING ARTICLE VIII, MANDATORY INSPECTION OF AGING CONDOMINIUM AND COOPERATIVE BUILDINGS, TO ARTICLE VII; AMENDING SECTION 14-323, INSPECTION, REPORTING, AND REPAIRS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Ordinance 24-013.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, August 20, 2024.

d. **School Speed Zones**

**FIRST READING - ORDINANCE 24-009 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 Ordinance 24-009.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, August 20, 2024.

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

a. **School Speed Zones**

**ORDINANCE 24-009 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. (Reheard at First Reading)**

Attorney Agnew spoke to the item having been heard at first reading.

b. **Bailey's Shopping Center**

**ORDINANCE 24-010 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, RELATING TO AMENDMENT OF THE CODE OF ORDINANCES TO REVISE THE**

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**MASTER DEVELOPMENT PLAN ON FILE AS REFERENCED BY CHAPTER 126, ZONING, ARTICLE XVI, PLANNED UNIT DEVELOPMENT, DIVISION 3, BAILEY'S SHOPPING CENTER PROPERTY, SECTION 126-1473, MASTER DEVELOPMENT PLAN; DELETING SECTION 126-1474, MASTER VEGETATION PLAN; AMENDING SECTION 126-1475, DENSITY/INTENSITY; AND AMENDING SECTION 126-1477, REQUIRED CONDITIONS, FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Ordinance 24-010. Mayor Johnson spoke to his financial conflict, read into record Form 8B and provided it to City Clerk Kelly, turned the gavel over to Vice Mayor Miller, and recused himself from the hearing. Deputy Planning Director Craig Chandler provided a brief PowerPoint presentation which will be added to the record.

Discussion ensued regarding this being approval of the development plan only, there being no conflict with the Sanibel Plan, and if further applications would come before the Commission or Council for approval. Mr. Chandler spoke to there not being an need for anything other than Staff level review. City Manager Souza spoke to discussions at the Joint Council/Commission workshop and consensus that the shopping center would not need a conditional use permit for redevelopment.

Discussion ensued regarding the earlier plans having land set aside for possible donation to Community Housing and Resources (CHR) and if that were still a consideration. Mr. Chandler read into record Section 126-1474, noting the section of parcel that was being considered and advising the opportunity to add below market rate housing still exists. Council inquired if the language in Section 126-1475 ties back to Section 126-1474 in terms of permitted uses. Attorney Agnew advised the new language covered it.

Discussion ensued regarding the vegetation plan. Mr. Chandler spoke to the redevelopment requiring a vegetation plan, noting the non-conformities will no longer exist. Discussion returned to the plans having changed since Hurricane Ian and limiting restrictions for redevelopment, being appreciative of Staff efforts to review the plans so the business can get back opened.

**Public Comments:**

- Bailey Johnson - Applicant - spoke to rebuilding resiliently
- Dane Johnson - Applicant - thanked the design team and City Staff for efforts in the redevelopment process

**Councilmember Henshaw moved, seconded by Councilmember Smith, to adopt Ordinance 24-010. The motion carried by a vote of 4-0 with Mayor Johnson recused.**

**Recused:** 1 - Mayor Richard Johnson

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

Attorney Agnew spoke to the purpose and process of the shade session, noting those that will be in attendance. Attorney Agnew noted the meeting is anticipated to reconvene at 1 p.m.

The meeting recessed to 11:56 a.m. and reconvened at 1:57 p.m.

Discussion ensued regarding moving item 17b forward.

Councilmember Smith moved, seconded by Vice Mayor Miller, to move Item 17b next in the agenda. The motion carried.

**b. Franchise Agreement with WM of Ft. Myers**

**RESOLUTION 24-037 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, APPROVING AND AWARDED A FRANCHISE AGREEMENT TO ADVANCED DISPOSAL SERVICES SOLID WASTE SOUTHEAST, INC. D/B/A/ WM OF FORT MYERS; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Resolution 24-037 and spoke to the resolution and agreement being the replacement for the ordinance that was read in first reading today. The redlined version and clean-copy agreements will be added to the record. Attorney Agnew summarized the changes to the agreement.

Council inquired as to the history of the 15% franchise fee. Attorney Agnew noted it was included annually to be approved by Council. Discussion ensued regarding the agreement having gone through the bid process. Attorney Agnew spoke to the process to repeal the section of code for a franchise agreement and being replaced with the Resolution process for the contract agreement.

Councilmember Smith moved, seconded by Vice Mayor Miller, to adopt Resolution 24-037. The motion carried.

**12. DISCUSSIONS OF DRAFT LEGISLATION**

**a. E-Bikes and Shared Use Path Speed Limit**

**DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO CHAPTER 66, TRAFFIC, ARTICLE V, BICYCLES, MICROMOBILITY DEVICES, MOTORIZED SCOOTERS, AND MOPEDS, SECTION 66-165, DRIVING ON A BICYCLE PATH; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attorney Agnew read into record the description of the draft legislation. Recreation Director Andrea Miller summarized discussions held at the Parks & Recreation Advisory Committee (PARC) meeting and advised the recommendations which are



incorporated in the draft ordinance.

Discussion ensued regarding including the Class II e-bikes, allowing throttle assist on Class II, the differences/similarities between Class I and Class II bikes, and concerns with the bikes going on the roads. Discussions turned to setting speed limits on the Shared Use Paths (SUPs) to ensure the safety of the riders without forcing them to the roads. Ms. Miller advised the PARC members extensively discussed options for improving safety on the SUP. Police Chief William Dalton spoke to working towards getting the Police Rangers hired and working on the paths.

Discussions continued regarding why the campaigns had not begun yet. Chief Dalton advised it was due to staffing shortages currently. City Manager Souza spoke to previous discussions, working to hire the Rangers, and implementing a communications campaign with the Resorts, which was delayed following the storm. He advised that efforts were re-implemented by approving the hiring of the Rangers and updating the information on the website. Further information to be coming following the ordinance approval process.

Discussion turned to micro-mobility devices being used and concerns with lowering the age limit, needing to educate the community, and implementing the Ranger program to assist with compliance. Continued discussion ensued regarding the purpose of the SUP, how the Class II and Class III bikes are not considered motor scooters/bikes, and some Councilmembers desire a speed limit if e-bikes are on the SUP.

Discussion returned to possibly not having an age limit if the speed is controlled, how to monitor and enforce speeds on the paths, if there are control devices that can be installed, and how to have the Rangers monitor the paths. Council spoke to the bike companies monitoring the use of the bikes and the general report of 13 miles per hour being the highest average speed. Discussion ensued regarding age limit and speed limits being tools for compliance and safety on the paths.

Vice Mayor Miller read into record comments from the Sanibel Bike Club regarding options for safety on the SUP. Continued conversations on age limits, possibly 12 years old, and having differing speed limits for the different sections of the SUP.

City Managers Souza spoke to e-bikes not being required to have a speedometer, clarifying if Council were suggesting the inclusion of a bike lane on the roads (which Councilmember Henshaw confirmed), and allowing Staff to provide recommendations for the speed-limits if desired. Council spoke to bringing back to Council as opposed to sending back to PARC and safety being the priority.

Public Comment:

- Chris Denick - Chair of the Parks & Recreation Advisory Committee - spoke to discussions for speed limits, advising safety was the priority, and surveying for use of technology on the paths. He further spoke to concerns for a speed limit and bikes being forced to the roadway.

Discussions returned to concerns with the speed-limits, e-bikes being able to go 20 miles per hour, and waiting for further information before implementing a speed limit.

Public Comment:

- Mary Miller - Sanibel Resident and avid biker - spoke to differentiating between the classes of bikes being difficult and education being the key to regulating speed.

Discussion ensued regarding allowing Class I and Class II on the paths and needing a speed limit as well.

**Vice Mayor Miller moved, seconded by Mayor Johnson, to forward the draft ordinance to first reading. The motion was withdrawn.**

Discussion ensued regarding lowering the age to 12 or leaving at 16 and Council inquired as to the specifics of an incident on Key Biscayne. City Manager Souza spoke to the incident in Key Biscayne which resulted in a fatality, one rider being 12 years of age, and a petition going to the Legislature to implement a State-wide age limitation. Chief Dalton advised that any data collected during off-season would be different than seasonal data. Council advised they were requesting an informed recommendation from Staff and availability for the item to go to first reading at the next meeting. City Manager Souza advised Staff could come back with recommendations. Director Miller spoke to looking towards Pinellas County's program as an example.

**Vice Mayor Miller moved, seconded by Councilmember Smith, to advance the proposal as drafted, instructing Staff to revise the recommendation to include speed limit(s) for the shared use path system. The motion carried.**

### 13. CONSENT AGENDA

#### a. ADOPTION OF RESOLUTIONS

i. **RESOLUTION 24-038 APPROVING BUDGET AMENDMENT 2024-008 TO APPROPRIATE ADDITIONAL FUNDING FOR THE PERIWINKLE WAY AND PALM RIDGE ROAD SHARED USE PATH PROJECT AND PROVIDING AN EFFECTIVE DATE**

(To appropriate an additional \$68,500 for the Periwinkle Way and Palm Ridge Road shared use path project. The funds for this project are being transferred from the Road Impact Fee fund to the Transportation Capital Projects Fund. This amendment increases the fiscal year 2024 budget by \$68,500).

ii. **RESOLUTION 24-039 APPROVING BUDGET AMENDMENT 2024-009 TO BUDGET AND APPROPRIATE GRANT FUNDING AND PROVIDING AN EFFECTIVE DATE** (To budget \$360,000 in grant funding for 1) \$250,000 from Volunteer Florida to

assist with repairs to the City's boat ramp, and 2) \$110,000 from the Florida Lighthouse Association to assist with interior rehabilitation of the Sanibel Lighthouse and appropriate \$250,000 for the boat ramp repair project. This amendment increases the fiscal year 2024 budget by \$360,000).

Attorney Agnew read into record the titles of Resolutions 24-038 and 24-039.

**Councilmember Smith moved, seconded by Councilmember Henshaw, to adopt Resolutions 24-038 and 24-039. The motion carried.**

b. BUSINESS ITEMS

- i. Adoption of Minutes - June 4, 2024; June 11, 2024 Joint City Council-Planning Commission Workshop
- ii. Approval of an agreement between the City of Sanibel and Tritaik Consulting for Natural Resources and Environmental Consulting Services and authorize the City Manager to execute same (This does not increase the adopted FY2024 budget.)
- iii. Acceptance of a Florida Wildflower Foundation grant to restore two rain gardens on City Hall grounds in the amount of \$2,028 and authorize the City Manager to execute the same
- iv. Approval of Change Order 1 to Agreement 23-034 authorizing the additional Scope of Work prepared by Humiston & Moore Engineers dated June 6, 2024 in the amount of \$86,258.25 and authorize the City Manager to execute the same.
- v. Consideration of awarding a three-year Janitorial Services contract, with the potential for a two-year extension, with Marsden Services, in the amount of \$127,671.48 for the first year, \$131,502.84 for the second year, and \$135,476.28 for the third year, and authorize the City Manager to execute the contract.
- vi. Consideration of approving a two-year extension to the current professional services agreement with All Native Garden Center, Nursery & Landscape for Landscape Maintenance Services of City Facilities and Public Rights of Way and authorize City Manager to execute same
- vii. Consideration of approving a two-year extension to the current professional services agreement with Schreyer Enterprises LLC, dba Island Home Service, for Landscape Maintenance Services of City Facilities and Public Rights of Way, and authorize City Manager to execute same.
- viii. Consideration of approving a two-year extension to the current professional services agreement with Seahawk Florida Investments LLC, dba Tree West, for Vegetation Trimming Services of City Facilities and Public Rights of Way, and authorize City Manager to execute same.
- ix. Approval of a letter of support for the Cape Coral Police Department, City of Fort Myers

Police Department and Lee County Human and Veteran Services Department for grant (Edward Byrne Memorial Justice Assistance Grant (JAG)) distributions in the total amount of \$204,223.00 to be executed by the Mayor (There is no budget impact)

- x. Approval of two grant agreements from the Tourist Development Council (TDC):
  - 1. Beach Park Facility Maintenance (Project 401656) in an amount not to exceed \$2,497,374.00 and to authorize the City Manager to execute same. (This grant is included in the FY25 draft budget)
  - 2. Beach and Shoreline Erosion Monitoring (Project 401747) in an amount not to exceed \$50,000.00 and to authorize the City Manager to execute same. (This grant is included in the FY25 Draft Budget)
- xi. Renewal of Sanibel Fire District Agreement Letter with City of Sanibel Recreation Department and authorize City Manager to execute same

Approval of Consent Business Items 13(b)(i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), and (xi).

Vice Mayor Miller moved, seconded by Councilmember Smith, to approve Consent Business Items 13(b)(i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x), and (xi). The motion carried.

#### **CONSENT ITEMS PULLED FOR DISCUSSION**

No items were pulled for discussion.

#### **14. INFORMATIONAL ITEMS**

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

No discussion was held on the Informational Items.

#### **16. DISCUSSION OF FY2025 BUDGET**

- a. OpenGov Budget Solution Introduction (Supplement 1)

Deputy City Manager/CFO Steve Chaipel, spoke to the implementation of the OpenGov Budget Solution, advising the live demonstration of the program would be at the July 30 special meeting.

- b. Distribution of the City of Sanibel Fiscal Year 2025 Draft Budget and Supporting Materials (Supplement 1)

Deputy City Manager Chaipel spoke to the budget process and summarized the items included in the agenda packet. Mr. Chaipel provided a budget summary report that will be added to the record.

Discussion ensued regarding the \$15.3M bridge loan not being touched in the proposed budget and if the reserves are new. Mr. Chaipel advised was not a new fund, just increased from last year. Discussion ensued regarding the funds allowing for flexibility to cover unforeseen costs. Council inquired where the \$19M estimate comes from. Mr. Chaipel responded that the audit has been completed; providing the actual number to be included in the proposed budget.

Council requested a report of uses of funds be provided at the special meeting. Discussion ensued regarding capital spending and if Staff could include appropriations or grants in spreadsheet for the special meeting.

Council inquired regarding the capital budget and if Staffing availability had been considered. Mr. Chaipel spoke to Staffing changes which include project/construction managers as available. Further discussion ensued regarding property value changes following the hurricane. Mr. Chaipel spoke to property values and only about 30% of the properties on the island being homesteaded.

c. **Proposed Operating Millage Rate**

**RESOLUTION 24-033 ADVISING THE LEE COUNTY PROPERTY APPRAISER OF THE PROPOSED OPERATING MILLAGE RATE, THE ROLLED-BACK RATE, THE PROPOSED AGGREGATE MILLAGE RATE, THE MILLAGE LEVY FOR THE SEWER VOTED DEBT SERVICE, THE RECREATION CENTER VOTED DEBT SERVICE, AND THE DATE, TIME, AND PLACE AT WHICH A PUBLIC HEARING WILL BE HELD TO CONSIDER THE TENTATIVE OPERATING MILLAGE RATE FOR TAX (CALENDAR) YEAR 2024 AND TENTATIVE BUDGET FOR THE CITY OF SANIBEL FISCAL YEAR 2025; AUTHORIZING AND DIRECTING THE CITY MANAGER TO PROVIDE CERTIFICATION OF SAME; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Resolution 24-033. Deputy City Manager Chaipel advised the blanks would be filled as:

- a) 2.5 mils
- c) 2.6369 mils
- Section 2) \$11,650,054.00

City Manager Souza thanked Staff for their efforts in the budget process thus far. Mr. Chaipel thanked Council for approving the additional positions in his department.

**Councilmember Smith moved, seconded by Vice Mayor Miller, to adopt Resolution 24-033 with the blanks filled as a) 2.5 mils, c) 2.6369 mils, and 2) \$11,650,054.00. The motion carried.**

## 17. OLD BUSINESS

a. **Shell Harbor Initial Assessment**

**RESOLUTION 24-019 OF THE SANIBEL CITY COUNCIL RELATING TO THE SHELL HARBOR AND SANIBEL ESTATES CANAL AREA DREDGING ASSESSMENT DISTRICT IN THE CITY OF SANIBEL; CONSTITUTING THE CITY'S 2024-2025 FISCAL YEAR INITIAL ASSESSMENT RESOLUTION RELATING TO THE ANNUAL SPECIAL SERVICE ASSESSMENT TO FUND THE CANAL DREDGING AGAINST ASSESSED PROPERTY LOCATED WITHIN THE SHELL HARBOR AND SANIBEL ESTATES CANAL AREA DREDGING ASSESSMENT DISTRICT FOR THE FISCAL YEAR OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2025; CONFIRMING AND AUTHORIZING MATTERS RELATING TO SUCH ASSESSMENT; SCHEDULING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE ANNUAL RATE RESOLUTION AND TO CONFIRM COLLECTION OF SUCH SPECIAL SERVICE ASSESSMENT THROUGH THE UNIFORM METHOD OF COLLECTION VIA THE ANNUAL LEE COUNTY TAX BILL; PROVIDING DIRECTION FOR THE PREPARATION OF THE ASSESSMENT ROLL AND NOTICES REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Resolution 24-019. Deputy City Manager Chaipel spoke to the purpose and process of the assessment.

Vice Mayor Miller moved, seconded by Councilmember Henshaw, to adopt Resolution 24-019. The motion carried.

c. **Building Permit & Development Permit Fees**

**RESOLUTION 24-036 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING RESOLUTIONS 23-006, 23-007, 23-026, & 23-059 BY EXTENDING THE TEMPORARY WAIVER OR DISCOUNT OF CERTAIN EMERGENCY REPAIR PERMIT FEES, THE FIRST RE-INSPECTION FEE FOR ALL EMERGENCY REPAIR PERMITS, AND THE DEVELOPMENT PERMIT DEMOLITION OF A STRUCTURE FEE; AND ADDING THE DISCOUNT OF BUILDING AND DEVELOPMENT PERMIT FEES CHARGED FOR NEW CONSTRUCTION; SAID WAIVERS AND DISCOUNTS TO EXPIRE UPON CITY COUNCIL ADOPTING A NEW, REVISED BUILDING PERMIT AND DEVELOPMENT PERMIT FEE SCHEDULES; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Resolution 24-036. City Manager Souza summarized the changes incorporated in the Resolution. Deputy Building Director Julian Halitaj advised the consultant had recommended the 30%.

Council inquired how many building permits have been processed since the storm, Mr. Halitaj advised there were approximately 250 demos applied (approximately 212 redevelopment, 22 new construction). Discussion ensued regarding the resolution not being retroactive.

Councilmember Smith moved, seconded by Vice Mayor Miller, to adopt Resolution 24-036. The motion carried.

d. Periwinkle Way & Palm Ridge Road Shared Use Path Project

1. Consider approving a contract with All Star Sports Surfacing, Inc. in the amount of \$458,000.00 for the Periwinkle Way & Palm Ridge Road Shared Use Path Project and authorize the City Manager to execute the contract. Funds are available for these construction services in the FY2024 adopted budget.
2. Consider approving a proposal from Haley Ward, Inc. to provide for construction administration services in the amount of \$10,500.00 and authorize the City Manager to execute the agreement. Funds are available for these construction administration services in the FY2024 adopted budget.

City Manager Souza introduced Deputy Public Works Director Scott Krawczuk and City Engineer Oisin Dolley. Mr. Krawczuk spoke to the approval process, estimating a notice to proceed in early September.

Discussion ensued regarding the thermoplastics and how much would be used for lining the path. City Manager Souza spoke to using a separate project if there were not enough funds in this project. Discussion ensued regarding the project being consistent with 8 foot wide paths.

**Councilmember Smith moved, seconded by Councilmember DeBruce, to approve a contract with All Star Sports Surfacing, Inc. in the amount of \$458,000.00 for the Periwinkle Way and Palm Ridge Road Shared Use Path Project and approve a proposal from Haley Ward, Inc. to provide for construction administration services in the amount of \$10,500.00 and authorize the City Manager to execute both. The motion carried.**

- e. Consideration of approving a proposal from Kimley-Horn and Associates, Inc. to provide professional engineering services in the amount of \$316,374.87 for Hurricane Ian related wastewater force main improvements and authorize the City Manager to execute the agreement. Funding for these services will come from FDEP Middle Gulf Drive Force Main Replacement Grant HA018 project funding.

Public Works Director Fred Mittl provided a brief background for the request.

**Vice Mayor Miller moved, seconded by Councilmember Henshaw, to approve a proposal from Kimley-Horn and Associates, Inc. to provide professional engineering services in the amount of \$316,374.87 for Hurricane Ian related wastewater force main improvements and authorize the City Manager to execute the agreement. The motion carried.**

- f. Consideration of approving a proposal from Weston & Sampson Engineers, Inc. to provide professional engineering services in the amount of \$63,700.00 for Hurricane Ian related Boat Ramp Dock replacement and authorize the City Manager to execute the agreement. The City received a \$250,000 Volunteer Florida grant to fund the design and construction services for the replacement of the City's Boat Ramp wood dock structure.

Deputy Public Works Director Scott Krawczuk provided a brief background for the request.

Council inquired if the construction would be included in the grant. Mr. Krawczuk advised it was estimated to be included. Discussion ensued regarding value engineering in the process. City Manager Souza advised there may be funding available from Volunteer Florida.

**Councilmember Smith moved, seconded by Vice Mayor Miller, to approve a proposal from Weston & Sampson Engineers, Inc. to provide professional engineering services in the amount of \$63,700.00 for Hurricane Ian related Boat Ramp Dock replacement and authorize the City Manager to execute the agreement. The motion carried.**

**g. 50th Anniversary Update and Review of Proposed Holiday Tree Lighting Event**

Recreation Director Andrea Miller provided a brief PowerPoint presentation.

Discussion ensued regarding if a purchase option were available as opposed to the lease option. Ms. Miller advised the purchase price and would include City Staff storing and setting up, where the lease includes the storage and installation, maintenance, and removal.

**Councilmember Smith moved, seconded by Councilmember DeBruce, to approve the Proposed Holiday Tree Lighting Event and associated costs. The motion carried.**

**h. Designation of a Council member as the City of Sanibel Voting Delegate for the Florida League of Cities Annual Conference August 15-17, 2024 and authorize City Manager to execute same**

Discussion ensued regarding if Councilmember Smith would continue as the voting delegate. Mayor Johnson spoke to being interested in the appointment. Ms. Smith requested to maintain the appointment.

**Vice Mayor Miller moved, seconded by Mayor Johnson, to appoint Councilmember Smith as the City of Sanibel Voting Delegate for the Florida League of Cities Annual Conference August 15-17, 2024 and authorize the City Manager to execute. The motion carried.**

**i. Council Liaisons Discussion**

Discussion ensued regarding the following appointments:

- Planning Commission - Vice Mayor Miller as Liaison, Councilmember Smith as Alternate
- BIG ARTS - Councilmember DeBruce
- CHR and Coast & Inland Community Land Trust - Councilmember Smith as Liaison, Councilmember DeBruce as Alternate
- Historical Museum and Village - Councilmember Henshaw as Liaison, Mayor Johnson as Alternate
- Chamber of Commerce Intergovernmental Affairs Committee - Mayor Johnson as Liaison, Vice Mayor Miller as Alternate
- Coastal Heartland National Estuary Partnership (CHNEP) - Vice Mayor Miller as Liaison, Councilmember Henshaw as Alternate



- Lee County Causeway Emergency Passage and Disaster Planning and Tolls - Vice Mayor Miller
- Sanibel School PTA/PTO and Sanibel School Fund - Councilmember DeBruce as Liaison, Councilmember Henshaw as Alternate
- Lee County School District (separated from School positions) - Councilmember Smith
- MPO and MPO Executive Committee - Vice Mayor Miller as Liaison, Mayor Johnson as Alternate
- Tourist Development Council (TDC) - Councilmember Smith
- National League of Cities Voting Delegate - Councilmember Smith
- Florida League of Cities Voting Delegate - Councilmember Smith
- FLC At-Large Member Legislative Committee - Councilmember Smith (appointed by League President)
- FLC Legislative Policy Committees (titles updated as per FLC notification)
  - \*Utilities, Natural Resources & Public Works Committee - Mayor Johnson to rank #1
  - \*Development, Code Compliance, and Redevelopment Committee - Vice Mayor Miller to rank #1
  - \*Municipal Operations Committee - Councilmember DeBruce to rank #1
  - \*Finance and Taxation Committee - Staff to apply
  - \*Intergovernmental Relations, Mobility and Emergency Management Committee - Councilmember Henshaw to rank #1

Councilmember Smith moved, seconded by Councilmember DeBruce, to approve the Council Liaison List as amended. The motion carried.

## 18. NEW BUSINESS

### a. Solid Waste Initial Assessment

**RESOLUTION 24-034 OF THE SANIBEL CITY COUNCIL RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES, AND HORTICULTURAL WASTE, IN THE CITY OF SANIBEL CONSTITUTING THE CITY'S 2024-2025 FISCAL YEAR INITIAL ASSESSMENT RESOLUTION RELATING TO THE ANNUAL SPECIAL SERVICE ASSESSMENT TO FUND THE COLLECTION AND DISPOSAL OF SOLID WASTE, RECYCLABLES, AND HORTICULTURAL WASTE AGAINST ASSESSED PROPERTY LOCATED WITHIN THE CITY OF SANIBEL FOR THE FISCAL YEAR OCTOBER 1, 2024 THROUGH SEPTEMBER 30, 2025; CONFIRMING AND AUTHORIZING MATTERS RELATING TO SUCH ASSESSMENT; SCHEDULING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE ANNUAL RATE RESOLUTION AND TO CONFIRM COLLECTION OF SUCH SPECIAL SERVICE ASSESSMENTS THROUGH THE UNIFORM METHOD OF COLLECTION (i.e., ANNUAL LEE COUNTY TAX BILL); PROVIDING DIRECTION FOR THE PREPARATION OF THE ASSESSMENT ROLL AND NOTICES REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Resolution 24-034.

Councilmember Smith moved, seconded by Councilmember Henshaw, to adopt Resolution 24-034. The motion carried.

b. **Solid Waste Rates**

**RESOLUTION 24-035 APPROVING A SOLID WASTE RATE STRUCTURE FOR FISCAL YEAR 2024-2025; ESTABLISHING SOLID WASTE, RECYCLABLES, AND HORTICULTURE WASTE RATES FOR RESIDENTIAL, COMMERCIAL, AND MULTI-FAMILY PROPERTIES; APPROVING A SOLID WASTE FRANCHISE FEE; APPROVING A SOLID WASTE DISPOSAL SURCHARGE; AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the title of Resolution 24-035.

Discussion ensued regarding the approval including new bins being distributed to the residents.

Vice Mayor Miller moved, seconded by Councilmember Smith, to adopt Resolution 24-035. The motion carried.

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

City Manager Souza spoke to Staff being at capacity with workloads and assessing items that come up for feasibility of addressing. Mr. Souza spoke to CDBG grants that will be monitored by Planning, noting Planning Department positions are all currently filled. Discussion ensued regarding adequate communication coming from Council and Staff performing adequately.

City Manager Souza noted grants that would come before Council at the July 30th special meeting.

Mr. Souza expressed condolences and asked for a moment of silence for Isaac Breese who passed away in the riptide of Blind Pass. Mr. Souza spoke to efforts to make Blind Pass beach safer by adding additional warning signs and working with First Responders to implement any further safety features.

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

No further report.

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

Councilmember Smith thanked Mr. Souza for addressing the loss of Isaac Breese.

## **22. PUBLIC COMMENT**

There were no public comments from the audience.

**23. ADJOURNMENT**

There being no further business, the meeting adjourned at 5:13 p.m.