



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft City Council

Tuesday, June 3, 2025

9:00 AM

BIG ARTS - 900 Dunlop Road

1. CALL TO ORDER

The meeting convened at 9:02 a.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE (Vice Mayor Smith)

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

3. ROLL CALL

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

4. SET THE AGENDA

Discussion ensued regarding the need for scheduling a special meeting on June 12 following the budget workshop and possibly postponing items on today's agenda to the special meeting to allow for Council to attend the Sanibel School graduation ceremony this afternoon.

Mayor Miller spoke to the process for the special assessment item later in the agenda and proposed items 14(a), (b), and (c) be tabled to the next meeting, allowing time for further public comment.

Discussion ensued regarding virtual participation for Councilmember DeBruce as she would be out of town on June 12th. Attorney Agnew advised she could participate virtually, but would be unable to vote.

Discussion ensued regarding allowing public discussion on the dredge item if agenda items 14(a), (b), and (c) were to be tabled to the July meeting. Council proposed deferring the contracts (items b and c) to the July 15th meeting. Continued discussion ensued regarding allowing for public participation on item 14a, while postponing the contracts to July 15th. City Manager Souza spoke to the need for the dredge project to begin by September 1, while having a year to complete.

Further discussion ensued regarding the timeline for starting the project once a contract is awarded.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to schedule a special meeting following the budget workshop on June 12th. The motion carried.

Vice Mayor Smith moved, seconded by Councilmember DeBruce, to keep item 14a on the agenda, while deferring items 14b and 14c to the July 15th meeting. The motion carried.

5. PLANNING COMMISSION REPORT (Commissioner Colter)

Commissioner Colter provided the following brief report:
Since last report the Planning Commission has met twice.

At the May 13th meeting:

- Public hearing and consideration of a conditional use permit to allow Restaurant Use located at 1504 Periwinkle Way. The application was approved by a unanimous vote.
- Public hearing and consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to consider solar energy systems and electric vehicle (EV) charging infrastructure. The recommendation to forward to Council passed by a unanimous vote.
- Public hearing and consideration of a resolution recommending that City Council adopt an ordinance amending the Code of Ordinances to consider front porch additions within the Town Center Commercial Districts. The recommendation to forward to Council passed by a unanimous vote.
- Discussion of proposed code amendments to alternative shoreline stabilization projects. By consensus, the item will come back to Commission at the June 10th meeting.

At the May 27th meeting:

- Consideration of recommending that City Council adopt an ordinance amending the Code of Ordinances to allow temporary flood protection measures. By consensus, this topic was tabled.

The next Commission meeting will be June 10th with a Capital Improvement Review (CIP) Subcommittee following.

Council inquired if dangers of fire were brought up in the EV charging discussions. Commissioner Colter advised it was briefly discussed.

6. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

Mayor Miller spoke to the process for public comments.

Public Comments:

- Bob Moore - Sanibel Resident - spoke to emphasizing conservation of water and utilizing reclaimed water for irrigation and encouraging enforcement.

7. PRESENTATION(S)

- a. Presentation of the City of Sanibel's Judith Ann Zimomra Scholarship Awards:
 - i. Analise Gingerich - daughter of Chad Gingerich, Computer Support Specialist, Information Technology, Police Department
 - ii. Mackenzie Jackson - daughter of Eric Jackson, Public Information Officer & Grant Manager, City Manager's Office
 - iii. Rebecca Kelly - daughter of Scotty Lynn Kelly, City Clerk, Legislative Department

Mayor Miller provided a brief background of the scholarship program, expressing his appreciation for each of the organizations that support and finance the program.

Councilmember Henshaw introduced each of the recipients, describing their educational and career goals.

- b. Hurricane Recovery Update
 - i. Discussion of Dashboard Data

Brian Rist, on behalf of Sanibel Solutions, provided a brief update regarding the hurricane recovery dashboard. John Lai, Sanibel Captiva Chamber of Commerce, continued the presentation by highlighting specific information available on the dashboard. Eric Pfeifer, on behalf of Sanibel Solutions, further spoke to the goals and vision of the dashboard and Sanibel Solutions Group.

Council expressed their appreciation for the group and their efforts.

8. CITY COUNCIL COMMENTS

Vice Mayor Smith congratulated Council Members DeBruce and Johnson upon receiving awards in the Fort Myers Film Festival. Ms. Smith noted speaking at the Palm Beach League of Cities regarding recovery efforts, and advised she would be heading to Washington DC to meet with legislators regarding water quality and post-hurricane issues.

Councilmember Henshaw congratulated the scholarship recipients, further he thanked the organizations that sponsor and provide the scholarships. Mr. Henshaw spoke to participating on a team in the New York Tower Climb to raise awareness and funds for fallen first responders' families and fight veteran homelessness.

Councilmember DeBruce expressed her appreciation for the return of the "Love Sanibel Back" program, and thanked Councilmember Henshaw and Jeff Muddell for participating in the tower climb. Ms. DeBruce spoke to Vice Mayor Smith again receiving the Home Rule Hero Award from the Florida League of Cities.

Councilmember Johnson concurred with comments regarding the tower climb, expressed appreciation for the scholarship recipients, and congratulations to the

Sanibel School students that will be graduating this afternoon.

Mayor Miller spoke to the successful new resident reception and hurricane seminar held last Friday, advised the deadline for submissions for the time capsule being July 15th, and noted an upcoming hurricane seminar to be hosted by FISH.

9. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS

b. Review of List for Future City Council Items (Supplement 1)

City Manager Souza spoke to the purpose of the list, advising it would continue to come to Council. Discussion ensued regarding support of the list and what next steps would be.

#3 second council meetings - on current agenda

#4 bike lanes - place holder to plan for the future - consensus

#6 construction signs - remove from list

#7 sewage fees - consensus for discussion during budget workshop

#10 remote work - consensus for discussion at budget workshop (Discussion ensued regarding the item being for Council educational purposes while not micromanaging the City Manager relating to hiring, managing, and leading staff.)

#11 reuse distribution - consensus

#12 Tradewinds - consensus

City Manager Souza advised the process for prioritizing the items.

a. City Council Agenda Discussion

City Manager Souza summarized the memorandum included in the agenda packet.

Discussion ensued regarding support of the second regular meetings, request for not scheduling a second meeting in November, and possibly keeping council comments following public comments or allowing time for response during public comment sessions. Further discussion ensued regarding limiting presentations to 10 minutes and requesting future agenda items be in writing,

Council expressed concerns with the proposed dates and the desire for being polled prior to scheduling. City Manager Souza recommended scheduling June, July, and September.

Councilmember Johnson moved, seconded by Vice Mayor Smith, to schedule the July 30th meeting at 9 a.m. and the September 25th meeting following the final budget hearing. The motion carried.

10. DISCUSSIONS OF DRAFT LEGISLATION

a. Solar Energy & EV Charging Infrastructure

DISCUSSION ONLY - ORDINANCE 25-011 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CONSIDER SOLAR ENERGY SYSTEMS AND ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126, ZONING; ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, ADDING A NEW SUBDIVISION IV, ALTERNATIVE CLEAN ENERGY TECHNOLOGIES, A NEW SECTION 126-913, APPLICABILITY, AND A NEW SECTION 126-914 DEVELOPMENT STANDARDS, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Senior Planner Savannah White provided a summary background for the proposed code amendments.

Council expressed concerns with the dangers of lithium battery vehicles and solar charging causing fires following a natural disaster. Discussion ensued regarding impervious coverage, platform heights, and including the battery/charging stations with A/C, solar and elevators. City Manager Souza spoke to not including mechanical equipment in this ordinance and that it could be revisited on a future agenda.

Council expressed support of the draft ordinance and inquired if Sec. 126-914a exempts solar panels, noting it should be clearly stated. Attorney Agnew spoke to options for clarifying in the ordinance. Planning Director Paula McMichael spoke to the process for including an exemption.

By consensus, Council directed to send back to staff and bring back on June 12th. Staff advised there were no permits pending adoption of the ordinance. Attorney Agnew stated the clarification could be done with no problem, advising the topic of coverage would need to go back to the Planning Commission. Mr. Agnew proposed verbiage as "Roof-mounted solar photovoltaic (PV) panels, including any supporting structures or mounts, may exceed the maximum building height, provided they are installed in accordance with the manufacturer's specifications to the minimum required installation height." Key changes being including "may exceed the maximum building height" and striking "above the highest point of the roof ridge".

Discussion ensued regarding the language to read as "may exceed the maximum building height as described in the Land Development Code" and sending to Planning Commission for coverage determination. Council inquired as to making the language

more general to include batteries and other mechanical units, as well as where it falls in the Planning Commission priority list.

Councilmember Henshaw moved, seconded by Vice Mayor Smith, directing the Planning Commission to consider amendments to the code to include the expansion of coverage limits for this type of equipment. The motion carried.

Public Comment:

- Bob Moore - Sanibel Resident - spoke to this opening the opportunity for new buildings to incorporate solar

Councilmember Johnson moved, seconded by Councilmember DeBruce, to forward Ordinance 25-011, as revised, to first reading. The motion carried.

Councilmember Henshaw moved, seconded by Vice Mayor Smith, to move item 14a next in the agenda. The motion carried.

a. Wulfert Channel - Dinkins Bayou Special Assessment

RESOLUTION 25-024 EXPRESSING THE INTENT OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO DECLARE A SPECIAL ASSESSMENT TO FINANCE A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW, AND THE SANIBEL CHARTER; ESTABLISHING A SPECIAL ASSESSMENT FOR THE PURPOSE OF DREDGING IN THE WULFERT CHANNEL, SUNSET BAY, AND DINKINS BAYOU AREA, DISPOSAL OF DREDGE MATERIALS, AND RELATED FUTURE DREDGING SURVEYS WITHIN AN AREA TO BE REFERRED TO AS THE "WULFERT CHANNEL AND DINKINS BAYOU AREA DREDGING ASSESSMENT DISTRICT"; ADOPTING THE PROCEDURES SET FORTH IN CHAPTER 170, FLORIDA STATUTES; PROVIDING FOR A DESCRIPTION OF THE NATURE AND LOCATION OF THE IMPROVEMENT, THE MANNER OF LEVYING AND COLLECTING ASSESSMENTS, SPECIFYING THE PORTION OF THE ASSESSMENT TO BE PAID BY THE CITY TO ACCOUNT FOR GENERAL PUBLIC BENEFIT ACCRUING FROM THE PROJECT, THE ESTIMATED COST, AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Resolution 25-024. City Manager Souza spoke to the process for discussion and provided a brief PowerPoint presentation (to be added to the record) regarding the timeline of the proposed project. Natural Resources Director Holly Milbrandt continued the presentation and spoke to the specifics of the proposed project and estimated amounts for dredging.

Mr. Souza spoke to parcels that were excluded due to special characteristics of the parcels and explained the process for determining the assessment amounts. Attorney Agnew spoke to the statutory requirements for establishing a special assessment.

The meeting recessed at 12:18 p.m. and reconvened at 12:27 p.m.

Mayor Miller spoke to meeting with Lee County Board of County Commissioners Chair Kevin Ruane to request funding assistance on the dredge project.

Public Comments:

- Doug Billings - Starling Way Resident - spoke to navigability of the channel having not changed, the need for the special assessment for waterfront properties, proportionality is questionable, and the August timeline being bad due to low attendance off season.
- Alan Antley - President of Pine Tree Home Owners Association - spoke in agreement to being part of the assessment district, noted concerns that most of the work is being done on Lee County property, and requested the County fund the work.
- Merthyn Harris - 2464 Blind Pass Court - spoke to concerns with the amount being requested from the property owners.
- Barbara Joy Cooley - Sanibel Resident - spoke to not being opposed to the project, advising inclusion of Dinkens Bayou and Sunset Bay owners is not fair, and noting costs are not associated with the correct parties.
- Jim McNeal - 2507 Blind Pass Court - spoke in support of dredging Wulfert and concurred with the desire for County funding.
- Jason Cohen - 5847 Pine Tree - spoke in support of the project, noting Wulfert portion needs to be done now, and the need to ensure the County dredges Blind Pass as was scheduled before Hurricane Ian.
- Larry Schopp - Pine Tree Drive Resident - spoke to being in favor of the dredge project, agrees the County should contribute for Wulfert, and recommended not implementing the 10-year assessment.
- Nick Weyers - Del Saga Resident and Island Business Owner - spoke to areas on the plan maps that are not accurate and concurring the County should be funding and dredging as the sand is from the Captiva/Blind Pass beach renourishment project.
- Brian Murphy - Del Saga Resident - spoke to the need to do something, the surveys being out of date, and the funding should be Lee County first, the City second, and residents third.
- Tim Sikon - 2460 Harbor Lane - spoke to not supporting the project, not being in favor of a 10-year assessment, and there being many residents that will not benefit from the project.
- Caroline Peirce - 6101 Castaways Lane - spoke to the project not being timely, the project being expensive, inquired if the project was bid out, and concurred with the project not being beneficial for all.
- Jen McSorley - 5776 Sanibel Captiva Road - spoke to concerns with creating a special assessment district that will be responsible for years to come.

City Manager Souza spoke to the City providing the 33.3% share on an annual basis in the projected budget. Competitive bid process was done in 2024 and the three

year contract was being utilized for this project. Natural Resources Director Holly Milbrandt spoke to the timeline for the survey and bathymetric data being provided. The annual assessment could be optional. Attorney Agnew spoke to the City not having an obligation to do the dredge in this area and advised this was drafted similarly to how other districts are assessed. Noting it would be a special district created by statute, not an Home Owners Association.

Mr. Souza reported the data relating to the notices sent out and returned as undeliverable, as well as the number of public comments received for or against the project.

Discussion ensued regarding changes to the pricing on the estimates, Ms. Milbrandt explained the cost estimates increasing over the three years of contract. Council spoke to looking deeper into the issue, involving Lee County where necessary, and weighing all the options, including the possibly of not dredging.

Mr. Souza provided options for changing the project scope, as well as creating a different calculation for the assessment being applied. Mr. Agnew spoke to just having the singular dredge, alternatives being just dredging Wulfert or spreading out the cost over a number of years. Mr. Souza noted the City sought out Federal and State funding and will continue to pursue other funding where available to bring back to the community.

Discussion ensued regarding responsibilities and the expected maintenance of the navigable waters by the City, involving Lee County where necessary as well as answering questions like how long a potential assessment would be in effect for owners, and would this be a one-time project or is this a project that should be included with the City's regular budgeting as defined in State Statutes for levying assessments. Council inquired about the Henderson Road boat ramp, whether it is public or eligible for levying assessments. Council further spoke to concerns for the minimum necessary to achieve the goal and other questions still unanswered.

Council inquired where the sand that is accruing in the bayou might be coming from. Ms. Milbrandt spoke to the area being very dynamic and there being potential sources of sand moving into the bayou. Brett Moore, from Humiston and Moore, spoke to sand renourishment projects that have taken place since Hurricane Ian. Mr. Moore responded regarding the influence of tide, as well as the addition of sand per recommendation of the firm, as part of the project with the county. Council inquired about the quality of sand and if it were enough to have it put back. Mr. Moore responded that there are quality standards for the sand to be replaced and further suspects that the sand meets those requirements for replacement. Mr. Moore additionally advised that the replacement of the sand could be included in the current permit. Mr. Souza spoke to the process for applying for an emergency permit, and

that it could be longer than a year for permitting if the City were to re-apply later.

Discussion continued regarding the dredging industry, the costs rising with increased demand and the availability of contractors is based on storms. Mr. Moore gave examples of other projects the City took on under the inflated costs. Council expressed concerns for levying the assessment too early, giving the impression to the County that the City is taking care of the project, before the County has had the chance to weigh in.

Council spoke to the idea of creating a process for gaining consensus from the residents, fostering county involvement, the potential to put Dinkins in a special district, pursuing grants and the time frames associated. Using the 2018 Blind Pass Inlet Management Study was also brought up, Ms. Milbrandt spoke in agreement, adding that it was not a timely endeavor and is subject to the County's priorities.

City Manager Souza requested direction from Council on how to move forward. Council discussed hosting a public meeting or open house or surveying the residents for a better outcome. Discussion continued regarding what the minimum necessary would be, what was expected to be the City's obligation, and looking for more engagement before moving forward.

Additional discussion ensued regarding the "intent", how the resolution presented today was to establish intent to assess the special district for the purposes of dredging. Points like waiting for more information, considering the minimum necessary, as well as the duration of the assessments; should it be determined that additional dredging is needed in the future. Involving the county where necessary to help with costs of the project, and lastly, the timing of the project with the potential to wait until after this hurricane season. Attorney Agnew spoke to the full process of the assessment needing to be completed in order to create a assessment, with the scope of the project at least laid out, to single dredge or multiple. The deadline of June 12th could not be met if not passed today.

Attorney Agnew suggested publishing the resolution in the paper twice. He further noted the draft could be tailored to what Council discusses today. Council spoke to there being no need to move forward without more information, the potential to hold a public workshop and tracking down the residents that did not receive the letter. Looking into additional funding through the County or Department of Environmental Protection (DEP).

Public Comment:

- Alan Antley - Pine Tree Drive - spoke in support of going ahead with intent and addressing the scope of work to ensure minimum project necessary.
- Jason Cohen - 5874 Pine Tree - spoke to the productive meetings,

- recommending to make the project fair for everyone, proposing to remove the annual assessment, and thanked all for efforts to solve the problem.
- Merthyn Harris - 2464 Blind Pass Court - recommended the assessment be based on millage not on a standard rate.
 - Nick Weyers - Sanibel Resident - spoke to the need to fix Wulfert first or the remainder of the project is useless and offered his services.
 - Jen McSorley - 5776 Sanibel Captiva Road - spoke to the proposal being to set up a special assessment district and clarified her understanding of the current discussions.

City Manager Souza spoke to what was stated by the City Attorney, the resolution will be published in the paper as written and attached to the Council agenda.

Discussion ensued regarding amending the motion to include items discussed in today's deliberations. Consensus was reached to change 3 years to 5 years. Concerns were then brought forward regarding passing the resolution as written today and the news media or the public's perception of today's actions being inaccurate due to the motion amending the language. Council reached further consensus to bring back the resolution at the June 12th meeting, that way it is passed with no revisions.

Councilmember Henshaw moved, seconded by Vice Mayor Smith, to adopt Resolution 25-024 as written. The motion was unanimously opposed.

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

Councilmember Henshaw moved, seconded by Vice Mayor Smith, to direct Staff to bring back a resolution in conformance with discussions, including 5 years and a one time dredge. The motion carried by a vote of 4-1, with Councilmember DeBruce opposed.

Opposed: 1 - Councilmember Laura DeBruce

The meeting recessed at 2:58 p.m. and reconvened at 3:35 p.m.

b. Front Porches

DISCUSSION ONLY - ORDINANCE 25-012 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CONSIDER FRONT PORCH ADDITIONS WITHIN THE TOWN CENTER COMMERCIAL DISTRICTS; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 122, VEGETATION, ARTICLE II, LANDSCAPING, DIVISION 2, COMMERCIAL AND INSTITUTIONAL USES, SECTION 122-48, LOCATION AND SIZE OF VEGETATION BUFFERS; AND CHAPTER 126, ZONING, ARTICLE VIII, COMMERCIAL DISTRICTS, DIVISION 3, TCG TOWN CENTER GENERAL COMMERCIAL DISTRICT, SECTION 126-514, REQUIRED CONDITIONS, AND DIVISION 4, TCL TOWN CENTER LIMITED COMMERCIAL DISTRICT, SECTION 126-534, REQUIRED CONDITIONS, AND ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3, BUILDING AND AREA REQUIREMENTS, SUBDIVISION II, SPECIAL SETBACKS, AMENDING

SECTION 126-961, OUTDOOR SEATING SETBACKS, AND ADDING A NEW SECTION 126-962, FRONT YARD SETBACKS FOR FRONT PORCHES IN THE TCL AND TCG DISTRICTS; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Deputy Planning Director Craig Chandler provided a brief PowerPoint presentation summarizing the proposed code amendments.

Discussion ensued regarding the zoning delineation and if other properties/areas may benefit from the proposed amendments. Council inquired about the correlation with the outdoor dining regulations.

Discussion turned to buffers being reduced and what the required plantings would be. Mr. Chandler advised it would be proportional to the reduction.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to forward Ordinance 25-012 to first reading. The motion carried.

11. FIRST READING OF AN ORDINANCE AND SCHEDULING OF PUBLIC HEARING

a. Solar Energy & EV Charging Infrastructure

FIRST READING - ORDINANCE 25-011 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CONSIDER SOLAR ENERGY SYSTEMS AND ELECTRIC VEHICLE (EV) CHARGING INFRASTRUCTURE; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126, ZONING; ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, ADDING A NEW SUBDIVISION IV, ALTERNATIVE CLEAN ENERGY TECHNOLOGIES, A NEW SECTION 126-913, APPLICABILITY, AND A NEW SECTION 126-914 DEVELOPMENT STANDARDS, FOR THE PURPOSE OF UPDATING THE 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 25-011. Mr. Agnew also read into record revisions to the ordinance.

Second Reading and Public hearing scheduled for 9:10 a.m., Tuesday, July 15, 2025.

b. Front Porches

FIRST READING - ORDINANCE 25-012 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO CONSIDER FRONT PORCH ADDITIONS WITHIN THE TOWN CENTER COMMERCIAL DISTRICTS; AMENDING SUBPART B, LAND DEVELOPMENT

CODE; CHAPTER 122, VEGETATION, ARTICLE II, LANDSCAPING, DIVISION 2, COMMERCIAL AND INSTITUTIONAL USES, SECTION 122-48, LOCATION AND SIZE OF VEGETATION BUFFERS; AND CHAPTER 126, ZONING, ARTICLE VIII, COMMERCIAL DISTRICTS, DIVISION 3, TCG TOWN CENTER GENERAL COMMERCIAL DISTRICT, SECTION 126-514, REQUIRED CONDITIONS, AND DIVISION 4, TCL TOWN CENTER LIMITED COMMERCIAL DISTRICT, SECTION 126-534, REQUIRED CONDITIONS, AND ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3, BUILDING AND AREA REQUIREMENTS, SUBDIVISION II, SPECIAL SETBACKS, AMENDING SECTION 126-961, OUTDOOR SEATING SETBACKS, AND ADDING A NEW SECTION 126-962, FRONT YARD SETBACKS FOR FRONT PORCHES IN THE TCL AND TCG DISTRICTS; FOR THE PURPOSE OF UPDATING THE 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 25-012.

Second Reading and Public hearing scheduled for 9:10 a.m., Tuesday, July 15, 2025.

c. Use of Gas Powered Leaf Blowers

FIRST READING - ORDINANCE 25-010 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 30, ENVIRONMENT, ARTICLE III, NOISE, SECTION 30-70, GAS POWERED LEAF BLOWERS, SUBSECTION (2), TO ALLOW FOR A WAIVER FROM THIS SUBSECTION DURING A STATE OF LOCAL EMERGENCY DUE TO A WEATHER EVENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Ordinance 25-010.

Second Reading and Public hearing scheduled for 9:10 a.m., Tuesday, July 15, 2025.

12. CONSENT AGENDA

CONSENT ITEMS PULLED FOR DISCUSSION

There were no items pulled for discussion.

a. ADOPTION OF RESOLUTIONS

i. Periwinkle Bridge Grant

RESOLUTION 25-025 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE STATE OF FLORIDA DEPARTMENT OF

**TRANSPORTATION IN THE AMOUNT OF \$2,500,000 FOR THE
CONSTRUCTION OF A RESILIENT BRIDGE CAPABLE OF WITHSTANDING
FUTURE STORM SURGE AND FLOODING ON EAST PERIWINKLE WAY;
AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT;
AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Resolution 25-025.

**Vice Mayor Smith moved, seconded by Councilmember Johnson, to adopt Resolution 25-025.
The motion carried.**

b. BUSINESS ITEMS

- i. Adoption of Minutes: April 17, 2025 Capital Improvement Project (CIP) Budget Workshop
- ii. Award of contract to Thompson Consulting Services, LLC, and DebrisTech, LLC, for disaster debris monitoring services with a 5 year initial term of services and a 2 year option for renewal, and authorize the City Manager to execute the agreements
- iii. Award of contract to Seahawk Florida Investments, LLC, dba Tree West, in the amount of \$94,500 for the 2025 Sanibel River Clearing Project (Drainage/Wildlife Habitat Maintenance Trimming) project and authorize the City Manager to execute the contract.
- iv. Award of Contract to Calvin, Giordano & Associates, Inc. for the Update of the Sanibel Plan (Grant received from the U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery Program (CDBG-DR))
- v. Award of Contract to Volkert, Inc. for Consulting Services Related to the City's Master Transportation Plan (Grant received from the U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery Program (CDBG-DR))
- vi. Award of Contract to Tectonic Engineering Consultants, Geologists & Land Surveyors to Complete a City-wide Broadband Feasibility Study (Grant received from the U.S. Department of Housing and Urban Development Community Development Block Grant Disaster Recovery Program (CDBG-DR))

Approval of Consent Business items 12(i), (ii), (iii), (iv), (v), and (vi).

Vice Mayor Smith moved, seconded by Councilmember Henshaw, to approve Consent Business items 12(i), (ii), (iii), (iv), (v), and (vi). The motion carried.

13. COMMITTEES BOARDS COMMISSION

- a. **MPO Bicycle Pedestrian Coordinating Committee Appointment
RESOLUTION 25-026 OF THE CITY COUNCIL OF THE CITY OF SANIBEL,
FLORIDA, APPOINTING A MEMBER TO THE LEE COUNTY METROPOLITAN**

PLANNING ORGANIZATION (MPO) BICYCLE PEDESTRIAN COORDINATING COMMITTEE (BPCC); AND PROVIDING AN EFFECTIVE DATE (Applicants listed in alphabetical order by last name)

Council expressed their appreciation for Rachel Pierce's service on the committee. Attorney Agnew read into record the title of Resolution 25-026. City Manager Souza passed out ballots and Attorney Agnew tallied the votes as three votes for Daniel Wilhelm and one vote each for Neal Conner and David Gurney.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to adopt Resolution 25-026 with Daniel Wilhelm inserted in the blank. The motion carried.

14. OLD BUSINESS

b. Dredging Assessment Area Budget Amendment

RESOLUTION 25-027 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA APPROVING BUDGET AMENDMENT 2025-008 TO APPROPRIATE \$748,065 FOR A DREDGING PROJECT IN THE WULFERT CHANNEL AREA; AND PROVIDING AN EFFECTIVE DATE (To appropriate \$748,065 in funding for a dredging project in the Wulfert Channel area. The funding for this project is being appropriated from the General Fund budgeted ending fund balance and transferred to the dredging project fund. This amendment increases the fiscal year 2025 budget by \$748,065.)

Item postponed to July 15, 2025.

c. Award of contract to Bayside Dredging, LLC, to complete the Wulfert Channel and Dinkins Bayou Dredging Project (including Sunset Bay channel and Pine Tree Drive canal) in the amount of \$3,154,650 and authorize the City Manager to execute the agreement.

Item postponed to July 15, 2025.

d. Award of contract to Villa-Fuerte Construction, LLC, in the amount of \$242,730 for the 2025 Bridge, Box Culvert, and Water Control Structure Repairs project and authorizing the City Manager to execute the contract.

City Engineer Oisin Dolley provided a brief background for the contract request.

Council inquired who had been contracted with in the past. Mr. Dolley noted this was a new vendor with good recommendations.

Vice Mayor Smith moved, seconded by Councilmember DeBruce, to award the contract to Villa-Fuerte Construction, LLC, in the amount of \$242,730 for the 2025 Bridge, Box Culvert, and Water Control Structure Repairs project and authorizing the City Manager to execute the contract. The motion carried.

e. Award of Contracts for Post Hurricane Ian Sanitary Sewer Cleaning and Closed Circuit TV (CCTV) Inspection

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

Councilmember Henshaw moved, seconded by Councilmember Johnson, to award a contract with EnviroWaste Services Group, Inc. in the amount of \$565,375.00 for the Post Hurricane Ian Sanitary Sewer Cleaning and CCTV Inspection – Phase 2 project and authorize the City Manager to execute the contract and to approve a contract with EnviroWaste Services Group, Inc. in the amount of \$587,010.00 for the Post Hurricane Ian Sanitary Sewer Cleaning and CCTV Inspection – Phase 3 project and authorize the City Manager to execute the contract. The motion carried.

f. Letter of Support for Lee County Conservation 20/20 Acquisition of Community Church Parcel on Bailey Road

City Manager Souza spoke to the background for the nomination. Council spoke to the code not having a mechanism for transferring development rights. Attorney Agnew confirmed that, noting a mechanism could be considered in the future.

Council inquired if the contract with Conservation 20/20 could include a requirement for no development in perpetuity. Council recommended including in the first paragraph, "The City of Sanibel strongly recommends both parties keep the parcel as conservation land in perpetuity". Attorney Agnew and City Manager Souza recommended changing the final sentence by adding, "ensuring the property remains conservation in perpetuity".

Councilmember Johnson moved, seconded by Vice Mayor Smith, to authorize Mayor to sign the letter of support for Lee County Conservation 20/20 Acquisition of Community Church Parcel on Bailey Road and deliver to the County Representative.

Councilmember Johnson moved, seconded by Councilmember DeBruce, to amend the motion to revise the letter by changing the period to a comma and adding "ensuring the property remains in conservation in perpetuity" after the word "program". The motion to amend carried.

Public Comment:

- Matt DePaolis - SCCF - support of the letter and the parcel going into conservation 20/20, meeting on June 18.

Council inquired if SCCF had been contacted for maintenance

Councilmember Johnson moved, seconded by Vice Mayor Smith, to authorize Mayor to sign the letter of support for Lee County Conservation 20/20 Acquisition of Community Church Parcel on Bailey Road and deliver to the County Representative with the revision in the letter by changing the period to a comma and adding "ensuring the property remains in conservation in perpetuity" after the word "program". The motion carried as amended

Discussion ensued regarding what ability or rights the City would have regarding the contract.

Public Comment:

- Matt DePaolis - Sanibel Captiva Conservation Foundation (SCCF) - spoke in support of the letter and the parcel going into the conservation 20/20 program. He further noted the meeting on June 18.

Council inquired if SCCF had been contacted for maintenance to which Mr. DePaolis

responded they had not.

Councilmember Henshaw moved, seconded by Vice Mayor Smith, to engage with seller to request a clause in the contract that the property remain as conservation land in perpetuity. The motion carried.

g. Sanibel Speed Limit Study

City Manager Souza provided a brief background for the requested study.

Discussion ensued regarding the danger to wildlife, bringing back the animal warning signs on Sanibel Captiva Road, and the scope of the study. City Manager Souza spoke to specifics of what the study would cover.

Public Comment:

- Matt DePaolis - Sanibel Captiva Conservation Foundation (SCCF) - spoke to the need for getting the wildlife warning signs re-installed.

Vice Mayor Smith moved, seconded by Councilmember DeBruce, to approve the study at a cost of \$24,326, as within the City Manager's approval authority, to authorize the staff to enter the agreement with Johnson Engineering and proceed with the study. The motion carried.

h. Sanibel Causeway Evaluation & Feasibility Study - 3 Travel Lanes

Mayor Miller spoke to having met with County Commissioner Kevin Ruane and County Director of Transportation Rob Price, confirming their support of moving forward with the feasibility study. City Manager Souza clarified that the study is not to expand the width of the causeway; only working within the current restraints of the roadway as it exists.

Vice Mayor Smith moved, seconded by Councilmember DeBruce, to approve the study at a cost of \$29,200, to proceed with the feasibility study as proposed by Kimley Horn. The motion carried.

15. INFORMATIONAL ITEMS

a. Hazard Mitigation Grant Project Update (East Rocks, Tradewinds)

b. Water Quality Report from Natural Resources Department

c. Finance Department Reports

i. Causeway Traffic Memorandum

ii. Grants Report

iii. Hurricane Recovery Financial Report

Council requested to include the recovery matrix (as provided by Sanibel Solutions) under informational items, recommending it can be a presentation when needed.

16. CITY MANAGER'S REPORT

City Manager Souza spoke to Senate Bill 180, inquiring if Council would like to oppose the bill, and summarizing components of the bill that cause concern.

Discussion ensued regarding the proposed restrictions or restraints and proposed sending a letter to the Governor requesting a veto of the bill.

Public Comments:

- Matt DePaolis - SCCF - spoke to supporting the action by Council

Councilmember Johnson moved, seconded by Vice Mayor Smith, to draft a letter based on discussions and authorize use of Council digital signatures. The motion carried.

17. CITY ATTORNEY'S REPORT

Attorney Agnew spoke to Senate Bill 180 and how Florida Statutes correlate, provided a code enforcement update, and reported on the dismissal of the second appeal related to Captiva zoning changes. Mr. Agnew spoke to the motion to join the cases, advising he would dismiss the second appeal and join in discussions of appeal filed by Captiva Community Association (CCA).

18. COUNCIL MEMBERS' REPORTS

There were no further reports.

19. PUBLIC COMMENT

There were no public comments from the audience.

20. ADJOURNMENT

There being no further business, the meeting adjourned at 5:07 p.m.