



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Draft City Council

Wednesday, July 30, 2025

9:00 AM

BIG ARTS - 900 Dunlop Road

Regular Meeting

1. CALL TO ORDER

The meeting convened at 9:00 a.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilmember Johnson)

Councilmember Johnson 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

The agenda was set as published.

5. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

There were no public comments from the audience.

6. PRESENTATION(S)

- a.** Recognition of Patricia Hotton, Human Resources Generalist, Human Resources Department, as the Employee of the 3rd Quarter, Fiscal Year 2025.

City Manager Dana Souza noted Kathleen Towne and Anna Netsvitaieva as honorable mentions for the Employee of the third quarter. Mr. Souza spoke to the achievements of Patricia & Patti Hotton, Human Resources Generalist, upon being elected Employee of the Third Quarter. Mayor Miller provided Ms. Hotton with a letter of appreciation, certificate and check.

- b.** Employee Service Awards

- i.** Billy Ray Holden, Tradesworker, Sanibel Recreation Department, 30 Year Service Award (Date of Hire: 7/21/1995)

City Manager Dana Souza introduced Billy Holden, Tradesworker, Recreation Department, commending him for his 30 years of service to the City. Mayor Miller presented Mr. Holden with a certificate, pins for years of service, and a watch.

- c. Proclamation Recognizing July as Parks & Recreation month and July 18, 2025 as Parks and Recreation Professionals Day

Mayor Miller read into record and presented Recreation Director Andrea Miller and her Staff a proclamation recognizing National Parks and Recreation Month and Parks and Recreation Professionals Day. Director Miller expressed her appreciation for her Staff and the partnership with the Public Works Department. City Manager Souza expressed his appreciation for the Staff of both departments as well.

Mayor Miller introduced Ashlee Painter, Chief Resilience Officer, who started her employment with the City on July 21, 2025. Ms. Painter spoke to her excitement to join the team, looking forward to serving in the position.

7. DISCUSSIONS OF DRAFT LEGISLATION

- a. Alternative Shoreline Stabilization Project Standards

DISCUSSION ONLY - DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO UPDATE THE ALTERNATIVE SHORELINE STABILIZATION PROJECT STANDARDS TO BE CLASSIFIED AS LIVING SHORELINE STABILIZATION PROJECT AND UPDATING ALL REFERENCES TO THAT TERM, REORGANIZE THE STANDARDS FOR CLARITY, ADD EXAMPLE GRAPHICS, AND ALLOW PROJECTS ON HUMAN-MADE WATER BODIES TO BE PROCESSED ADMINISTRATIVELY; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 90, FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 7, DEVELOPMENT PERMITS IMPLEMENTING CONDITIONAL USE APPROVAL, SECTION 90-192, EROSION CONTROL STRUCTURES ON NATURAL BODIES OF WATER; ARTICLE IV, PUBLIC HEARINGS, DIVISION 4, CONDITIONAL USES, SECTION 90-407, EROSION CONTROL STRUCTURES ON NATURAL BODIES OF WATER; AND CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USE, SECTION 126-99, ALTERNATIVE SHORELINE STABILIZATION PROJECT; ARTICLE VII, RESIDENTIAL DISTRICTS, DIVISION 3, B BAY BEACH ZONE, SECTION 126-312, CONDITIONAL USES AND SECTION 126-314, OTHER REGULATIONS; DIVISION 4, E-1 BLIND PASS AREA ZONE, SECTION 126-332, CONDITIONAL USES; AND DIVISION 6, D-1 LOWLAND WETLANDS ZONE, SECTION 126-372, CONDITIONAL USES; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS.

Principal Planner Kim Ruiz provided a brief PowerPoint presentation and summarized the memorandum included in the agenda packet.

Discussion ensued regarding the only major change being a short form application allowance. Ms. Ruiz advised the short form application was for projects that needed a revision after a permit was issued. Council inquired if there were an increase of applications following Hurricane Ian and why Planning Commission did not make it a Staff approval permit. Ms. Ruiz responded there was not an increase in applications

as most owners are still working on recovery. She advised Planning Commission had kept the review process to ensure that neighboring/adjacent properties were being considered and protected.

Discussion ensued regarding the fees for conditional use permits and corresponding development permits. Council inquired if the fee structures overlap, if there were a City cost element that justifies the fees, and what incentives could be used. Ms. Ruiz responded that the CUP and Development Permits each have fees. Planning Director Paula McMichael spoke to being in the process of reviewing and updating the permitting fees and advised the costs were to cover the required mailings and legal advertising. Discussion continued regarding consideration of an incentive, such as a reduced fee, which would have to be through resolution or ordinance amendment.

Discussion ensued regarding Sections 94.07 being for the conditional use to go to public hearing and 91.92 being for the development permit. Discussion ensued regarding expecting to have the fee update recommendations to Council by the end of the year.

City Manager Souza advised a timeline or memo could be provided during the second reading and public hearing.

Public Comment:

- Ed Holden - Resident - spoke to "material add development" and introducing new technology in construction and design. Mr. Holden recommended allowing students in the STEM program to help.

Councilmember Johnson moved, seconded by Councilmember DeBruce, to forward the draft ordinance to first reading. The motion carried.

b. Deadlines to Re-establish a Non-conforming Use or Structure

DISCUSSION ONLY - DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO EXTEND THE DEADLINES TO RE-ESTABLISH A NONCONFORMING USE OR A NONCONFORMING STRUCTURE; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126, ZONING; ARTICLE V, NONCONFORMANCES, DIVISION 5, STANDARDS FOR BUILDING-BACK (RECONSTRUCTION) OF STRUCTURES SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER, SECTION 126-212, NONCONFORMING STRUCTURES, AND SECTION 126-218, RE-ESTABLISHMENT OF DISCONTINUED OR ABANDONED USE PROHIBITED; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS

Planning Director Paula McMichael provided a brief background for the proposed code amendments.

Council inquired as to the connection between the state of local emergency and build back. Ms. McMichael responded that it was to determine the severity of a storm or disaster when considering time for build back. Council inquired how many non-conforming properties would be impacted. Ms. McMichael spoke to the number of non-conforming properties that have not come in for permitting.

Discussion ensued regarding calculating the deadlines or extensions. Ms. McMichael spoke to the need to have a completed application in by December 15, 2026.

Discussion continued regarding the correlation of build back regulations to the local state of emergency. Attorney John Agnew advised the timeline was based on the triggering event, advising there was not a continually moving deadline unless a new event is triggered.

Further discussion ensued regarding the deadline being in December due to the moratorium on permits following the disaster. City Manager Dana Souza spoke to the resilience of a structure after build back and recommended Council consider tying the ordinance to the local state of emergency. Discussion ensued regarding protecting private property rights.

Public Comment:

- Dave Bunch - Director at Gulf Beach Condominium - spoke to insurance issues and the background for the building not being demolished.
- Ed Holden - Sanibel Resident - spoke to a building that could be demolished and the parcel utilized for temporary trailers during FISH's reconstruction.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to forward the draft ordinance to first reading. The motion carried.

c. Permitted Uses in D-2 Upland Wetlands Zone

DISCUSSION ONLY - DRAFT ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO AMEND THE LIST OF PERMITTED USES IN THE D-2 UPLAND WETLANDS ECOLOGICAL ZONE TO PERMIT EXISTING MULTIFAMILY BUILDINGS TO REMAIN; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126, ZONING; ARTICLE VII, RESIDENTIAL DISTRICTS, DIVISION 7, D-2 UPLAND WETLANDS ZONE, SECTION 126-391, PERMITTED USES; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS

Planning Director Paula McMichael provided a brief background for the proposed code amendments.

Discussion ensued regarding public comments that were received.

Councilmember Johnson moved, seconded by Vice Mayor Smith, to forward the draft ordinance

to first reading. The motion carried.

d. Investment Policy Update

DISCUSSION ONLY - DRAFT ORDINANCE 25-018 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO CHAPTER 50, PERSONNEL, ARTICLE VI, CITY OF SANIBEL INVESTMENT POLICY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Deputy City Manager/CFO Steve Chaipel provided a brief background for the proposed code amendments to update the investment policy.

Council inquired how Staff time would be affected by these changes.

Vice Mayor Smith moved, seconded by Councilmember Johnson, to forward the draft ordinance to first reading. The motion carried.

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

a. Alternative Shoreline Stabilization Project Standards

FIRST READING - ORDINANCE 25-014 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO UPDATE THE ALTERNATIVE SHORELINE STABILIZATION PROJECT STANDARDS TO BE CLASSIFIED AS LIVING SHORELINE STABILIZATION PROJECT AND UPDATING ALL REFERENCES TO THAT TERM, REORGANIZE THE STANDARDS FOR CLARITY, ADD EXAMPLE GRAPHICS, AND ALLOW PROJECTS ON HUMAN-MADE WATER BODIES TO BE PROCESSED ADMINISTRATIVELY; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 90, FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 7, DEVELOPMENT PERMITS IMPLEMENTING CONDITIONAL USE APPROVAL, SECTION 90-192, EROSION CONTROL STRUCTURES ON NATURAL BODIES OF WATER; ARTICLE IV, PUBLIC HEARINGS, DIVISION 4, CONDITIONAL USES, SECTION 90-407, EROSION CONTROL STRUCTURES ON NATURAL BODIES OF WATER; AND CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USE, SECTION 126-99, ALTERNATIVE SHORELINE STABILIZATION PROJECT; ARTICLE VII, RESIDENTIAL DISTRICTS, DIVISION 3, B BAY BEACH ZONE, SECTION 126-312, CONDITIONAL USES AND SECTION 126-314, OTHER REGULATIONS; DIVISION 4, E-1 BLIND PASS AREA ZONE, SECTION 126-332, CONDITIONAL USES; AND DIVISION 6, D-1 LOWLAND WETLANDS ZONE, SECTION 126-372, CONDITIONAL USES; DIVISION 7, D-2 UPLAND WETLANDS ZONE, SECTION 126-392, CONDITIONAL USES; DIVISION 8, F MID-ISLAND RIDGE ZONE, SECTION 126-412, CONDITIONAL USES; AND DIVISION 10, G ALTERED LAND ZONE, SECTION 126-452, CONDITIONAL USES; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS

Attorney Agnew read into record the title of Ordinance 25-014.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, August 19, 2025.

b. Deadlines to Re-establish a Nonconforming Use or Structure

FIRST READING - ORDINANCE 25-015 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO ADOPT AN ORDINANCE AMENDING THE CODE OF ORDINANCES TO EXTEND THE DEADLINES TO RE-ESTABLISH A NONCONFORMING USE OR A NONCONFORMING STRUCTURE; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126, ZONING; ARTICLE V, NONCONFORMANCES, DIVISION 5, STANDARDS FOR BUILDING-BACK (RECONSTRUCTION) OF STRUCTURES SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER, SECTION 126-212, NONCONFORMING STRUCTURES, AND SECTION 126-218, RE-ESTABLISHMENT OF DISCONTINUED OR ABANDONED USE PROHIBITED; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS

Attorney Agnew read into record the title of Ordinance 25-015.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, August 19, 2025.

c. Permitted Uses in D-2 Upland Wetlands Zone

FIRST READING - ORDINANCE 25-016 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO AMEND THE LIST OF PERMITTED USES IN THE D-2 UPLAND WETLANDS ECOLOGICAL ZONE TO PERMIT EXISTING MULTIFAMILY BUILDINGS TO REMAIN; AMENDING SUBPART B, LAND DEVELOPMENT CODE; CHAPTER 126, ZONING; ARTICLE VII, RESIDENTIAL DISTRICTS, DIVISION 7, D-2 UPLAND WETLANDS ZONE, SECTION 126-391, PERMITTED USES; FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS

Attorney Agnew read into record the title of Ordinance 25-016.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, August 19, 2025.

d. Chapter 66 - Traffic

FIRST READING - ORDINANCE 25-017 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 1, GENERALLY, SECTION 66-37, PENALTY; PAYMENT OF FINE; REFERRAL TO COUNTY COURT; AND DIVISION 2, BEACH AREA PARKING RESTRICTIONS,

SUBDIVISION III, REGULATIONS, SECTION 66-101, PROHIBITIONS AND PENALTIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Ordinance 25-017.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, August 19, 2025.

e. Investment Policy Update

FIRST READING - ORDINANCE 25-018 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO CHAPTER 50, PERSONNEL, ARTICLE VI, CITY OF SANIBEL INVESTMENT POLICY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attorney Agnew read into record the title of Ordinance 25-018.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, August 19, 2025.

9. 12:00 PM - CONVENE AN EXECUTIVE SESSION RELATING TO FRATERNAL ORDER OF POLICE (FOP) UNION NEGOTIATIONS (This session has been cancelled and will be rescheduled.)

10. OLD BUSINESS

a. Consideration of scheduling second regular meetings for October, November and December 2025

Discussion ensued regarding not scheduling a second meeting in November. City Manager Souza spoke to support of not holding a second meeting in November and having Staff coverage for October and December meetings.

Discussion ensued regarding cancelling meetings if not needed, possibility of changing the October second meeting to a workshop or not scheduling a second meeting for October, and continuing with the Tuesday schedule by choosing December 16th for the second meeting.

Vice Mayor Smith moved, seconded by Councilmember DeBruce, to schedule the second regular meetings for October 21, 2025 and December 16, 2025. The motion carried.

b. Surface Water Management Master Plan Update Following Hurricane Ian (2022) (Draft Stormwater Master Plan) (Supplement 3)

City Manager Souza thanked Council, the Community, and especially the Public Works Staff for involvement in the plan update. Ms. Souza spoke to the process for review and adoption of the plan. City Engineer Oisin Dolley introduced Jordan

Varble, Johnson Engineering, and provided a brief PowerPoint presentation (to be added to the record) summary of the report. Mr. Varble provided a portion of the presentation.

Discussion ensued regarding including a history of the plan and update, updating the weir policy, as well as reducing the amount of water held in the wetland areas, to make more room for storm water, particularly in the wet season. Mr. Varble spoke to water tables on the island at different times of the year and provided examples used in the presentation. Council expressed concerns about varying thresholds for maintaining the weirs during season. Mr. Varble spoke to the threshold of the weir in conjunction with the sea-levels during specific times of the year.

Mr. Dolley addressed information in the report related to water level changes, showing anomalies in the data. Mr. Dolley detailed evapotranspiration skewing the data slightly along with the large open areas due to the impacts of Hurricane Ian and how this slightly skews the data provided. Mr. Varble spoke to challenges with limited data from pre-storm conditions. Discussion continued regarding the hydrology of the island since the storm due to muck inundation on the island affecting the runoff on the island. Mr. Varble noted the idea of the weir is to hold every drop of water that falls onto Sanibel. Council spoke to the data showing successful evapotranspiration in areas where water is held for longer periods of time and the potential to add more of these areas. Mr. Dolley spoke about the projects related to enhancing these drainage areas, as well as the ideal route for water to move through the slough for holding.

Council expressed concerns for overflow at the weirs resulting in fish kills and continuing to allow the City Manager to maintain the weir levels where necessary. Council spoke additionally to homeowners being aware of living in wetlands, home buyers potentially having seen a lot in the dry season, may not be aware of the standing water in the wet season. Looking at the flexibility in the current plan and addressing issues incrementally to maintain storm water, not surge. Funding challenges and the potential for storm water assessments for residents and citizens in the future.

Council inquired about the final number of swales and culverts that will be updated as part of the repair project. Mr. Dolley spoke to working with the contractors and once completed, staff and the contractor will create an as built survey of the project to translate on to maps and will later present this information at a later meeting. Council summarized the discussion noting a need for some additional information.

City Manager Souza spoke to the weir policy having been established by the Council, advising it could be reviewed. Mr. Souza also requested direction from Council regarding their desire for that review. Council reached consensus to bring the item back at the next meeting with changes.

11. NEW BUSINESS

- a. Request from The Dunes Golf & Tennis Club to Waive Chapter 30, Article III, Sec. 30-64. - Noise disturbance, for Special Event Permit 26-007

Recreation Director Andrea Miller provided a brief background for the request.

Discussion ensued regarding concerns with setting precedence and Council inquired how many times this has been approved in the past. Ms. Miller advised similar requests are infrequent and have historically been denied. Continued discussion ensued regarding the event not needing to end, just conform with noise standards at the specified time.

Discussion turned to decibel levels as outlined in the code. Attorney Agnew spoke to Section 30.63 and 30.63(13) of the code, advising the relevance. Mr. Agnew further spoke to correlation of 30.63 and 30.64(a). Discussion ensued regarding the option to allow to the event to continue beyond 10 p.m., subject to a decibel level of 60dbs.

Council inquired if a special event permit would be required and if the event is allowed as the code is currently written. Continued discussion ensued regarding setting precedence, ensuring compliance with code regulations, and addressing requests in the future. City Manager Souza spoke to Staff not approving similar requests in the future, those requests would come before Council, advising if there were an increase in requests a policy review would need to be considered.

Discussion returned to decibel levels.

Councilmember DeBruce moved, seconded by Councilmember Johnson, to approve the request allowing music beyond 10:00 p.m., ended by 12:00 a.m., with decibel levels of 60dbs (as measured from property line) during that time. The motion carried.

- b. C-PACE Interlocal Agreement

RESOLUTION 25-021 OF THE CITY COUNCIL OF THE CITY OF SANIBEL (THE “CITY”), FLORIDA, AUTHORIZING A COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (CPACE) PROGRAM WITHIN THE CORPORATE LIMITS OF THE CITY; APPROVING A LIMITED PURPOSE PARTY MEMBERSHIP AGREEMENT (AGREEMENT) WITH THE FLORIDA RESILIENCY AND ENERGY DISTRICT; UTILIZING VOLUNTARY NON AD VALOREM ASSESSMENTS TO FINANCE QUALIFYING IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE (Supplement 1)

City Manager Souza requested to hear Item 11(c) first. Council concurred.

- c. Sanibel Island Golf Course - Reuse Water Rates Agreement

RESOLUTION 25-042 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, REGARDING RECLAIMED WATER FOR THE SANIBEL ISLAND GOLF CLUB; AND PROVIDING AN EFFECTIVE DATE (Supplement 3)

Councilmember DeBruce read into record her conflict of interest form (to be added to the record) advising the applicants are Clients of her law firm. She recused herself from the discussion and stepped out of the meeting at 1:08 p.m. Attorney Agnew read into record the title of Resolution 25-042. City Manager Souza provided a brief background for the request and corresponding resolution.

Discussion ensued regarding this being an extension of a rate that will have an annual increase of 3%, being a 3-year agreement, and being beneficial to the sale of the property.

Attorney Agnew spoke to specifics of the agreement. City Manager Souza spoke to the exhibit included in the resolution.

Public Comment:

- Jeff Blackman - Attorney for the Golf Course - thanked Staff for meeting to discuss and preparing the resolution so quickly.
- Drew Donnelly - Sanibel Island Golf Club - thanked everyone for consideration on short notice

Council inquired if the agreement were specific to the buyer, to which Attorney Agnew confirmed.

Councilmember Henshaw moved, seconded by Vice Mayor Smith, to adopt Resolution 25-042, approving the agreement. The motion carried.

Recused: 1 - Councilmember Laura DeBruce

b. C-PACE Interlocal Agreement

RESOLUTION 25-021 OF THE CITY COUNCIL OF THE CITY OF SANIBEL (THE “CITY”), FLORIDA, AUTHORIZING A COMMERCIAL PROPERTY ASSESSED CLEAN ENERGY (CPACE) PROGRAM WITHIN THE CORPORATE LIMITS OF THE CITY; APPROVING A LIMITED PURPOSE PARTY MEMBERSHIP AGREEMENT (AGREEMENT) WITH THE FLORIDA RESILIENCY AND ENERGY DISTRICT; UTILIZING VOLUNTARY NON AD VALOREM ASSESSMENTS TO FINANCE QUALIFYING IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE (Supplement 1)

Attorney Agnew read into record the title of Resolution 25-021. Councilmember DeBruce rejoined the meeting at 1:23 p.m. City Manager Souza introduced Ryan Bartkus and provided a brief background for the request. Mr. Bartkus introduced himself and provided a brief PowerPoint presentation regarding the interlocal agreement and the Commercial Property Assessed Clean Energy (CPACE) Program.

Discussion ensued regarding the program being an alternative funding opportunity with private investment and Council inquired if there were any liability to the City. Mr. Bartkus spoke to the indemnification process. Attorney Agnew spoke to the funding

process, advising there is protection built into the agreement. Council inquired whether there were a residential component. City Manager Souza spoke to concerns with a residential component, noting the commercial component was beneficial to the City. Mr. Bartkus further spoke to the differences between the programs for commercial or residential.

Council requested a presentation regarding the residential program in the future. Discussion ensued regarding the debt obligations that are created under the program. Mr. Bartkus advised it is an annual lien on the tax bill.

Councilmember Henshaw moved, seconded by Councilmember Johnson, to adopt Resolution 25-021. The motion carried.

12. CONSENT AGENDA

CONSENT ITEMS PULLED FOR DISCUSSION

No items were pulled for discussion.

ADOPTION OF RESOLUTIONS

- a. RESOLUTION 25-028 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, ADOPTING A COST ALLOCATION PLAN, (ALSO KNOWN AS AN INDIRECT COST PLAN) FOR FISCAL YEAR 2024; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATE OF COST ALLOCATION PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF OMB 2 CFR PART 200 AND FULL COST PLAN; AUTHORIZING THE DISTRIBUTION OF THE CENTRAL SERVICE OVERHEAD COSTS TO QUALIFYING GRANTS AND FUNDS; ESTABLISHING THAT REGULAR UPDATES TO THE COST ALLOCATION PLAN BE MADE; AND PROVIDING AN EFFECTIVE DATE**
- b. RESOLUTION 25-029 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, APPROVING BUDGET AMENDMENT 2025-009 TO ADJUST THE ALLOCATION OF INDIRECT COSTS AND PROVIDING AN EFFECTIVE DATE** (To update departmental and fund budgets based on the results of the fiscal year 2024 City of Sanibel Full Cost Allocation Plan prepared by Maguire Associates of Virginia, Inc. This amendment increases revenue to the General fund by \$1,157,092 and increases transfers out in the General fund by \$19,463. The amendment also increases revenues to the Ballfield Maintenance fund by \$37,943 (including \$19,463 increase in transfer from the General fund). The total amendment increases the fiscal year 2025 budget by \$1,195,035 (due to transfers between funds and intergovernmental revenue sources))
- c. RESOLUTION 25-038 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, APPROVING THE FORGIVENESS OF THE FISCAL YEAR 2026, \$20,000 CASA MARIPOSA DEBT PAYMENT FOR COMMUNITY HOUSING RESOURCES, INC., (CHR); AND PROVIDING AN EFFECTIVE DATE.**

Attorney Agnew read into record the titles of Resolutions 25-028, 25-029 and 25-038.

Vice Mayor Smith moved, seconded by Councilmember DeBruce, to adopt Resolutions 25-028, 25-029, and 25-038. The motion carried.

BUSINESS ITEMS

- d. Sanibel Community Association request for sixty (60) special event permits in 2026
- e. Approval of a \$44,825 grant award from the Florida Forest Service Urban and Community Forestry - Hurricane Ian Recovery grant program for native tree planting and corrective pruning at Community Park and Frannie's Preserve and authorize the City Manager to execute the agreement.
- f. Approval of a letter of support for the Cape Coral Police Department and City of Fort Myers Police Department for Edward Byrne Memorial Justice Assistance Grant (JAG) distributions in the total amount of \$167,473.00 to be executed by the Mayor (There is no budget impact)
- g. Request from Sanibel Historical Museum & Village for permission to reprint 500 copies of the publication *Sanibel's Stories* (Supplement 2)
- h. Consider approving a proposal from Bowman Consulting Group LTD to provide construction engineering and inspection services (CEI) for the Periwinkle Way Milling and Resurfacing Project in the amount of \$65,000 and authorize the City Manager to execute the contract. (Supplement 3)

Approval of Consent Agenda business items 12(d), (e), (f), (g), and (h).

Councilmember Johnson moved, seconded by Councilmember Henshaw, to approve Consent Agenda business items 12(d), (e), (f), (g), and (h). The motion carried.

13. INFORMATIONAL ITEMS

- a. Dan DeLisi Water Quality Legislative Session Final Report

No discussion was held on this item.

14. GENERAL CITY COUNCIL DISCUSSION

Councilmember DeBruce expressed appreciation for staff efforts and the presentation relating to the storm water master plan update.

Councilmember Johnson concurred and expressed appreciation for recovery efforts throughout the island.

Vice Mayor Smith spoke to attending the employee appreciation luncheon, the post-legislative session luncheon, and a meeting in Marco regarding the Everglades Agricultural Area (EAA) project expedited completion. Ms. Smith inquired as to the possibility of scheduling a joint workshop with Council and Planning Commission regarding the topic of transfer of density units.

Councilmember Henshaw concurred with comments regarding Staff efforts relating to recovery and looking for options or opportunities to speed up recovery.

Mayor Miller expressed his regrets for missing the employee luncheon, concerns with boats parked on the beaches, and recommended consideration of an ordinance for mooring fields.

Councilmember DeBruce spoke to units of density and concurred with scheduling a joint workshop as a next step. Attorney Agnew spoke to having met with Larry Schopp regarding the interpretation and intent of the charter language, whether or not a referendum would be required, proposing charter amendments, and noting he would provide a legal opinion. By consensus, Council requested to hold a joint Council/Commission workshop.

15. CITY MANAGER'S REPORT

City Manager Souza spoke to an icon added to the website for "Projects & Initiatives" as well as a "Sanibel's Recovery" page. Mr. Souza spoke to not having received numbers from the Revenue Department which is holding up preparation for budget items. He further spoke to boat speeds or anchoring and efforts being made to address issues.

16. CITY ATTORNEY'S REPORT

Attorney Agnew spoke to receiving complaints about "commercial shelling", noting provisions in the code and recommended incorporating a prohibition of shelling with the intent to sell. Council expressed concerns with how to enforce, not wishing to stop people from shelling, and if there were any environmental issues. Attorney Agnew spoke to having received multiple emails or communications regarding the shelling for commercial purposes issue. Council requested to bring back a report from Natural Resources Department regarding the impacts.

Mr. Agnew provided an update regarding the South Seas zoning hearing scheduled for August 6, 2025 at 9:30 a.m., before the Board of County Commissioners. He further provided an update regarding the Department of Administrative Hearings (DOAH) appeal.

17. PUBLIC COMMENT

There were no public comments from the audience.

18. ADJOURNMENT

There being no further business, the meeting adjourned at 2:35 p.m.