



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Minutes - Final City Council

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Tuesday, June 4, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

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### 1. CALL TO ORDER

The meeting convened at 9:06 a.m.

### 2. INVOCATION AND PLEDGE OF ALLEGIANCE (Mayor Johnson)

Mayor Johnson 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

The agenda was set as published.

### 5. PRESENTATION(S)

**a.** Representative Adam Botana

Representative Botana was regrettably unable to attend the meeting.

**b.** Proclamation recognizing July as Parks & Recreation Month and July 19, 2024 as Parks and Recreation Professionals Day

Mayor Johnson presented the proclamation recognizing July as National Parks and Recreation Month to Chris Denick, Parks and Recreation Advisory Committee Chair, Andrea Miller, Sanibel Recreation Department Director, Recreation Department Staff, and the Public Works Department Parks and Beaches Staff. Director Miller expressed her appreciation for the acknowledgment and advised new programming coming in July. Chair Denick expressed appreciation for the support of the Staff in keeping the parks and beaches clean and maintained.

**c.** Shared Use Path Bicycle and Pedestrian Survey Results

Mayor Johnson introduced Metropolitan Planning Organization Executive Don Scott and Consultant Chris Keller.

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

Chair Grogman provided the following report:  
Since last report the Planning Commission has met twice.

At the May 14th Meeting:

- Public hearing for consideration of a request to amend the Land Development Code for Bailey's Shopping Center Property Planned Unit Development and revise the Master Development Plan on file for the property located at 2477 Periwinkle Way (Bailey's Shopping Center). The application was approved, and the motion carried by a vote of 6-0 with Commissioner Nichols excused.

At the May 28th Meeting:

- Continuation of a public hearing for consideration of an application for a Development Permit to allow a Unified Residential Housing (Cluster Housing) development including five parcels for single family residential use and common area tracts with associated improvements, known as "Island Inn Road", subdivision located at 3015 and 3055 Island Inn Road. The application was approved, and the motion carried by a vote of 5-0 with Vice Chair Pfeifer recused.

The June 11th Planning Commission has been cancelled and the Land Development Code Review Subcommittee meeting will be held at that time instead. The next Commission meeting will be at 9 a.m. on June 25, 2024, here at BIG ARTS.

**c. Shared Use Path Bicycle and Pedestrian Survey Results**

Recreation Director Andrea Miller provided a brief PowerPoint presentation summarizing the report included in the agenda packet.

Council spoke to the crash reports and encouraged the use of helmets while riding on the shared use paths. Council inquired if counts of additional mobility devices than e-bikes could be taken. Ms. Miller advised that on intersection on Periwinkle that would be good for the survey if Council desired. Council concurred with doing a survey at the intersection of Periwinkle Way and Casa Ybel. City Manager Souza spoke to getting the surveys completed on an annual basis, noting Police Department efforts to monitor the paths.

Discussion ensued regarding if the riders are being educated in the rules and improving the education programs.

Public Comment:

- Matt Skok - inquired if weather impacts were included

**Councilmember Smith moved, seconded by Vice Mayor Miller, to receive and file the Shared Use Path Bicycle and Pedestrian Survey report. The motion carried.**

d. CityView Software Presentation (Supplement 1)

Building Official Craig Mole provided a brief background for the software update and Deputy Building Official Julian Halitaj provided a brief demonstration of the new CityView software. Mr. Mole spoke to the benefits of updating the software and ease of access for the public and Staff alike.

Council inquired if the information from the old system would be transferred to CityView. Mr. Mole replied that needed information would be transferred, though EnerGov would remain available if needed. Discussion ensued regarding training for Staff and Public. Discussion ensued regarding if the forms would auto populate during the application process, which Mr. Halitaj replied it would be in the future.

## 7. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

Public Comment:

- Samantha Britt - inquired as to the change in School Resource Officer
- Brian Armstrong - is the pay difference what is causing the shortage in officers, what actions are being taken to recruit officers, dates of Chief and Deputy Chief retirements, what training is being provided to cover

Discussion ensued regarding sending questions to City Manager Souza to get accurate responses.

Public Comment:

- Allie Pecenka - Policy Associate with Sanibel Captiva Conservation Foundation (SCCF)

## 8. CITY COUNCIL COMMENTS

Vice Mayor Miller congratulated Councilmember Henshaw for participating in the Tunnel to Tower Race in New York and applauded St. Michael's Church on the Love Sanibel Businesses Back program. Mr. Miller spoke to upgrades and repairs at the Historical Museum and Village. Finally, he spoke to the topic of annexation of Captiva, inquiring how the increase in density could increase resiliency.

Commissioner DeBruce thanked Director Fred Mittl and spoke to touring the Public Works Department and Facilities. Ms. DeBruce further spoke to receiving a presentation from the Police Department during her orientation.

Councilmember Smith spoke appreciation for the Love Sanibel Businesses Back program, encouraging participation. Ms. Smith noted commendations of Officer Bernier, the previous School Resource Officer. Additionally, Ms. Smith spoke to hurricane season and preparedness. Discussion ensued regarding the property

valuations, noting a 1.8% decrease.

Ms. Smith further spoke to meetings with Legislators in Washington DC last week, as well as meeting with Colonel Booth. She spoke to the passing of HR-5863 Federal Disaster Tax Relief Act. for hurricane relief. Ms. Smith spoke to compliance complaints and the process for submitting complaints to the City. Finally, Ms. Smith spoke to attending the Sanibel School graduation ceremony.

Councilmember Henshaw spoke to participating in the Tunnels for Towers Foundation tower climb, noting the mission of the Foundation. Mr. Henshaw spoke to ensuring the retention of Police Officers and Staff. Finally, he spoke to the City Employee Dependent Scholarship program, now known as the Judith Ann Zimomra Scholarship Program, noting funding organizations and advising the scholarships would be presented at the July 16, 2024 Council meeting.

Mayor Johnson spoke to hurricane season and preparedness, strongly encouraging evacuation if it is called for. Mr. Johnson concurred with Council comments for encouraging participation in the Love Sanibel Businesses Back program. Mr. Johnson also congratulated the graduating class from the Sanibel School and expressed appreciation for Officer Bernier's service as School Resource Officer. He further noted that the tax numbers are estimates at this time and advised there would be a 4th of July parade this year hosted by a non-profit organization.

## 9. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS

There were no items for discussion.

The meeting recessed at 11:00 a.m. and reconvened at 11:12 a.m.

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

Mayor Johnson spoke to the first reading for Bailey's Center being directly related to his family, noting that due to first readings not being discussion items he would not need to file a conflict form or be recused at this time. Attorney Agnew concurred.

### a. 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 (Supplement 1)**

Attorney Agnew read into record the title of Ordinance 24-009.

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, July 16, 2024.

**b. Bailey's Center LLP**

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

Second reading and public hearing scheduled for 9:10 a.m., Tuesday, July 16, 2024.

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

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

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

Attorney Agnew read into record the title of Ordinance 24-008. Building Official Craig Mole spoke to the purpose for the amendment being to meet State Statute regulations.

Council recognized the current and past members of the Contractor Review Board for their service.

Councilmember Smith moved, seconded by Councilmember Henshaw, to adopt Ordinance

24-008. The motion carried.

## 12. CONSENT AGENDA

### a. ADOPTION OF RESOLUTIONS

- i. **RESOLUTION 24-030 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AUTHORIZING THE PLACEMENT OF TEMPORARY ANNOUNCEMENT SIGNS ON COMMERCIAL PROPERTIES; AND PROVIDING AN EFFECTIVE DATE**

Attorney Agnew read into record the title of Resolution 24-030.

Vice Mayor Miller moved, seconded by Councilmember Smith, to adopt Resolution 24-030. The motion carried.

### b. BUSINESS ITEMS

- i. Adoption of Minutes - May 7, 2024 Regular Meeting (Supplement 2)
- ii. Approval of an agreement between the School Board of Lee County and the City of Sanibel for a School Resource Officer (SRO) in the amount of \$75,000.00 beginning August 1, 2024 through July 31, 2025 and authorize the Mayor to execute same (This does not increase the adopted FY2024 budget)
- iii. Approval of an agreement between the Lee County Supervisor of Elections and the City of Sanibel for election services and authorize the City Manager to execute the Agreement
- iv. Approval to Piggyback on Contract with Florida Utility Solutions, Inc. for Supplemental Lift Station Operation and Maintenance. Staff recommends that City Council approve to piggyback Contract between Florida Utility Solutions and Charlotte County for Supplemental Lift Station Operation and Maintenance.
- v. East Rocks Subdivision Drainage Improvements - Staff recommends approval of the contract with FDEM for the East Rocks Area Drainage Improvements as part of the Hazard Mitigation Grant Program and authorize the City Manager to execute the contract.

Approval of Consent Agenda Business Items 12(b)(i), (ii), (iii), (iv), and (v).

Vice Mayor Miller moved, seconded by Councilmember Smith, to approve Consent Agenda Business Items 12(b)(i), (ii), (iii), (iv), and (v). The motion carried.

## CONSENT ITEMS PULLED FOR DISCUSSION

No items were pulled for discussion.

## 13. INFORMATIONAL ITEMS

- a. Donax Update
- b. Hazard Mitigation Grant Project Update (Tradewinds)
- c. Water Quality Report from Natural Resources Department
- d. Sanibel Causeway Traffic Counts for April and Fiscal and Calendar Year 2024
- e. U.S. Environmental Protection Agency (EPA) Coastal Florida Recovery and Resiliency Partnership Project (R2P2) (Supplement 1)
- f. Joint Council/Planning Commission Workshop scheduled for June 11, 2024, 1 PM at BIG Arts to discuss potential amendments to the Sanibel Code to further assist recovery. (Supplement 1)

Council inquired regarding the Donax update and phosphorous levels. Jason Goodrich, Deputy Utilities Director spoke to the design of the facility being to optimize the levels, with a target of 1.0.

Council inquired about the U.S. Environmental Protection Agency item. City Manager Souza spoke to the projects included in the Staff memorandum, noting the upcoming public meetings. Discussion ensued regarding this being a planning phase. Deputy Planning Director Craig Chandler spoke to the goals of the town-center project.

Council inquired if the goal of the project were to ultimately provide projects for funding opportunities in the future. Mr. Chandler confirmed that was the goal of the planning process. Discussion ensued regarding the opportunity for public input during the charettes. Planning Director Paula McMichael spoke to the process and schedule for public involvement. City Manager Souza spoke to not currently having funding for the four proposed projects and looking for public engagement before pursuing funding.

## 14. OLD BUSINESS

- a. Shared Use Path Master Plan Update Presentation

Planning Director Paula McMichael introduced Chris Keller of Benesch. Mr. Keller provided a brief PowerPoint presentation regarding the final Master Plan.

Council thanked Mr. Keller and his team for their hard work. Council inquired if speed and size of device/vehicle are included in the recommendations. Mr. Keller responded not specifically for the path system, noting the approach of applying best

practices for pathway design from an infrastructure standpoint, with the hopes of accommodating speed differentials. Discussion ensued regarding speed needing to be considered with the other safety features in the plan. Council inquired as to signage recommendations. Mr. Keller spoke to options for small stop signs, painting on the paths, and knowing where/how to put signs to avoid sign blight.

Council thanked Lee County Metropolitan Planning Organization (MPO) Executive Director Don Scott and Mr. Keller, spoke to the sizes of the paths, and recommended helmet usage. Further discussion ensued regarding signs and education opportunities. Mr. Keller recommended working with on-island organizations and businesses to direct people to the City's website for information or providing biking educational packets. Continued discussion ensued regarding the need for education and enforcement and that many of the SUP users being visitors.

**Public Comment:**

- Bob Smith - President of Sanibel Isles/Water Shadows Civic Association - spoke to a meeting held May 15th regarding a specific section of the path affecting the residents of Royal Poinciana Drive. Mr. Smith provided a hand-out for the record.
- James Bent - Royal Poinciana Drive - spoke to meeting with Planning Staff to discuss concerns for the proposed SUP extensions
- Lyman Welch - Sanibel Resident - spoke to recommendations provided by the Parks and Recreation Advisory Committee that should be included in the adopted plan.

Discussion ensued regarding understanding the resident's concerns, the recommendations not all being implemented, and the Plan having been updated for a while, even prior to the hurricane. Council inquired why the recommendations from Parks and Recreation Advisory Committee (PARC) were not included. Ms. McMichael spoke to the committee being created after the master plan process had begun; noting the recommendations could go back to the Committee if Council desired. Discussion ensued regarding accepting the plan as drafted, noting the plan was not set in stone.

Ms. McMichael spoke to the resident comments, noting making changes to the plan, and advising the document is a living document while keeping the communications included.

**Vice Mayor Miller moved, seconded by Councilmember Smith, to accept the Shared Use Path Master Plan as an important and valuable tool for the future improvement of the path system, recommending Staff send a letter from Council to the Lee County MPO via Don Scott, Executive Director, thanking them for their support in the production of the plan, and noting that this acceptance is not to be construed as approval of any particular recommendation therein. The motion carried.**

City Manager Souza spoke to sending the discussions back to PARC for preparing a

priority list for path improvements and further consideration of their recommendations for path extensions.

Discussion ensued regarding making their recommendations/comments an official addendum of the plan and to ask the PARC Members to consider the comments from Water Shadows.

**Vice Mayor Miller moved, seconded by Councilmember Henshaw, to ask the Parks and Recreation Advisory Committee to prepare a priority list for path improvements and that further consideration of their recommendations for path extensions be considered an addendum to the plan. The motion carried.**

**b. Implementation of Sanibel Beach Ranger Program**

Deputy City Manager Steve Chaipel spoke to the background for the program and funding opportunities for the implementation. Council inquired as to next steps. City Manager Souza spoke to looking for consensus to begin the application and hiring process.

Discussion ensued regarding the title changing from Beach Rangers to Sanibel Rangers and allocating the resources as needed. Deputy City Manager Chaipel noted the adopted job description was titled as Sanibel Rangers.

Council inquired what supplies would be required, City Manager Souza noted they would be on bikes, with the use of e-bikes in the future. Discussion ensued regarding focusing on education, while maintaining enforcement. Police Chief William Dalton spoke to planning education efforts to be the main objective in the first 30 days of implementation. Council suggested starting with three rangers, City Manager Souza noted three could be the start and that five would allow for 7-day coverage.

**Councilmember Smith moved, seconded by Councilmember DeBruce, to direct Staff to fill the Sanibel Rangers positions now and to prepare the FY25 budget with those positions included. The motion carried.**

**c. Professional Services in Conjunction with the City's East Periwinkle Way Bridge Replacement Project (Bridge No. 126500) - Staff recommends approval a proposal from T.Y. Lin International to provide professional engineering services in the amount of \$749,999.82 and authorize the City Manager to initiate the services.**

Deputy Public Works Director Scott Krawczuk spoke to the background for the project and funding.

**Councilmember Smith moved, seconded by Councilmember DeBruce, to approve a proposal from T.Y. Lin International to provide professional engineering services in the amount of \$749,999.82 and authorize the City Manager to initiate the services. The motion carried.**

**d. Captiva Civic Association, Inc. (CCA) request that the City of Sanibel intervene in its administrative hearing challenge to the Lee County Code changes to the density and height standards on Captiva**

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(Supplement 1)

Attorney John Agnew spoke to the background for the request. Discussion ensued regarding what takes place on Captiva affects Sanibel. Council inquired if there were any negative implications if the City supports and the litigation fails. Mr. Agnew advised there were not. Council inquired what consequences there may be regarding the relationship with Lee County. Attorney Agnew and City Manager Souza both advised that Sanibel stands with one consistent voice and that Lee County is aware of the current stand.

Continued discussion ensued regarding supporting the request and inquired what the City's obligations would be. Mr. Agnew spoke to his expected participation in the hearing process. Further discussion ensued regarding potential political fall-out with Lee County.

Attorney Agnew spoke to the current budget being adequate to cover without a budget amendment.

Public Comment:

- Larry Schopp - Committee of the Islands (COTI) Land Development Committee - spoke to background for the requested support
- Barbara Joy Cooley - Sanibel Resident - encouraged City support
- Lyman Welch - Sanibel Resident - encouraged City support

**Vice Mayor Miller moved, seconded by Councilmember Smith, to authorize the City's intervention in the administrative hearing challenge to the Lee County Code changes to the density and height standards on Captiva. The motion carried.**

## 15. NEW BUSINESS

### a. Parks and Recreation Advisory Committee E-Bike Recommendations

Recreation Director Andrea Miller spoke to the comments and recommendations from the Parks and Recreation Advisory Committee (PARC) May 16th meeting in response to questions posed by Vice Mayor Miller.

Council inquired as to the rationale for the inclusion of the Class II e-bikes. Ms. Miller responded that it was due to having a similar top speed as Class I e-bikes, and consideration was given to the capabilities of the bikes with throttles.

Council inquired as to the time span between the 16-year-old age limit as opposed to 12-15-year-olds. Ms. Miller advised 16 was based on the age limit for obtaining a driver's license.

Council inquired if there were discussion regarding enforcement, such as applying a sticker to approved devices. Ms. Miller advised there were discussions regarding the

class stickers and the possibility of a permitting process, discussing enforcement concerns. Discussion ensued regarding the complexity of a permit program. City Manager spoke to checking state law to ensure there were no conflicts if an e-bike permit program were implemented.

Discussion ensued regarding being in support of recommendations #1, #3, #4, and #5, and not #2 with the inclusion of Class II e-bikes. Council expressed concerns for #6 with the recommendation of age being reduced to 16 for safety reasons. City Manager Souza spoke to participating in meetings regarding age limits for e-bikes, noting a bill was filed during the last legislative session to set the age limit as 16-years-old.

Discussion ensued regarding concerns with riders multitasking (phone, texting, music, etc.), including on Class II e-bikes as they are becoming more popular and not going away. Further discussion on allowing them on the paths to keep them off the roads, considering speed limits and what signage or notification would be required. Additional discussion ensued regarding if enforcement of speed limits could be done and what educational opportunities there were. City Manager Souza recommended the topic of speed limits go back to PARC for further discussion and consideration if Council desired. Discussion continued regarding setting standards of behavior for bikers on the paths.

Discussion returned to how to enforce speeds on the paths. Chief Dalton spoke to the expectations of the Ranger Program and enforcement of mobility device regulations on the paths. Council inquired if determining speed was easier than determining type or class of bike. Mr. Dalton advised both options are difficult to determine. City Manager Souza spoke to looking to other communities to determine success rate and education programs for implementing speed limits.

Council spoke to sending the topic back to PARC for additional consideration, if Class Is could use the path while Class II and Class IIIs use the roads, and how to enforce a speed limit. Further discussion ensued regarding not supporting #2 to include Class II e-bikes.

Don Scott, Director, Lee County Metropolitan Planning Organization (MPO), spoke to safety concerns with forcing bikes to the roads and noting speed limits are hard to implement and enforce. Discussion ensued regarding regulations for the County and other local municipalities.

Public Comment:

- Mary Miller - Sanibel Resident - supports a speed limit of 15 miles per hour, encouraging education, and reinstalling the painted signs ("keep right", "warn to pass") on the paths

- Larry Schopp - Sanibel Resident - suggested keeping only Class I, if adding Class II or Class III to implement speed limits
- Allen Antley - Sanibel Resident - if allowing throttled bikes implement speed limits, against inclusion of Class II and Class III e-bikes
- Roger Grogman - Sanibel Resident - spoke to speeds of bikes and options for expanding/extending the paths
- Billy Kirkland - Billy's Rentals - only rents Class I e-bikes, recommends that Class II e-bikes are safer
- Ryan Schutz - Billy's Rentals - spoke to all e-bikes being able to be modified to travel faster
- Lyman Welch - Sanibel Resident - need to regulate behavior as opposed to bike type

Discussion ensued regarding meeting state statutes by covering some of the signs painted on the paths, Attorney Agnew noted he would do some research to determine the actual regulations. Council inquired what would be required to post speed limits and what enforcement would be available.

Council consensus or responses to the six recommendations are:

1. Should the City continue to allow Class I e-bikes on the shared use path?  
Consensus to continue.
2. Should Class II and Class III e-bikes also be allowed on the paths? Hard to differentiate, consider maintaining Class II and Class III on roadways, keep only Class I on paths, consider permit program, and yes on Class II not Class III.
3. Should e-scooters [electric personal assistive devices] be allowed on the shared use path? Consensus to prohibit.
4. Should the Shared Use Path have speed limits knowing that speed limits could cause some cyclists to move to the roads creating other safety issues?  
Consensus to send back to PARC for consideration.
5. If yes, on Speed limits in general, should different limits apply in different areas? (For example: 20 MPH on Sanibel Captiva Road, 15 MPH everywhere else) Consensus to send back to PARC for consideration.
6. Should the City continue the current requirement that e-bike riders have to be eighteen years of age or older? Consensus to reduce to 16.

- b.** Approve an award of a contract to Advanced Disposal Services Solid Waste Southeast, Inc. d/b/a WM of Ft. Myers, as being the highest scoring responsive bidder to the City's RFP, and authorize the City Manager to finalize a draft franchise agreement to come back to Council for final approval at its

next meeting, with terms that include a five (5) year initial term starting October 1, 2024, with an option of two (2) contract extensions of two (2) year duration per extension, with services as detailed in the RFP, along with services detailed in Alternate Bid Item 3, which converts recycling service to 64-gallon carts and limits horticulture collection to 10 bags, bundles or barrels, and with times and dates of solid waste services not changed or interrupted.

Deputy Public Works Director Scott Krawczuk spoke to the background for the request, summarizing the Request for Proposal (RFP) process. Mr. Krawczuk spoke to options included in the agreement being larger, wheeled, lidded containers that will be collected via side-arm truck, and limiting vegetation amounts.

Public Comment:

- Wayne Zahn - Southwest Waste - request reconsideration of Staff's recommendation

Discussion ensued regarding the ranking process.

**Vice Mayor Miller moved, seconded by Councilmember Henshaw, to approve an award of a contract to Advanced Disposal Services Solid Waste Southeast, Inc. d/b/a WM of Ft. Myers, as being the highest scoring responsive bidder to the City's RFP, and authorize the City Manager to finalize a draft franchise agreement to come back to Council for final approval at its next meeting, with terms that include a five (5) year initial term starting October 1, 2024, with an option of two (2) contract extensions of two (2) year duration per extension, with services as detailed in the RFP, along with services detailed in Alternate Bid Item 3. The motion carried.**

- c. Approval of Agreements for Disaster Debris Removal / Emergency Services with Crowder Gulf Joint Venture, Inc. and DRC Emergency Services, LLC. The initial term of the proposed contracts shall be for a period of five (5) years with a two (2) year option for renewal. Motion to approve staff's ranking of the disaster recovery services contractors and authorize the City Manager to enter into contracts with the two top ranked firms, Crowder Gulf Joint Venture, Inc. and DRC Emergency Services, LLC.

Deputy Public Works Director Scott Krawczuk spoke to the background for the request, noting staff recommendation to contract with the top two ranked firms.

Discussion ensued regarding having two agreements, City Manager Souza advised it was a requirement.

**Councilmember Smith moved, seconded by Councilmember Henshaw, to approve staff's ranking of the disaster recovery services contractors and authorize the City Manager to enter into contracts with the two top ranked firms, Crowder Gulf Joint Venture, Inc. and DRC Emergency Services, LLC. The motion carried.**

## 16. CITY MANAGER'S REPORT

City Manager Souza advised that Mr. Kirkland had provided all three classes of e-bikes for Council to test ride. Mr. Souza expressed his appreciation to Mr. Kirkland.

Mr. Souza spoke to the process for the Shared Use Path Master Plan completion,

thanking Darla Letourneau for her assistance in completing the public engagement portions of the update process.

He further spoke to the upcoming budget season. Additionally, he spoke to comments related to code enforcement complaints, noting they could not be made anonymously.

Finally, Mr. Souza spoke to CDBG-DR grant applications for critical infrastructures and public facilities, advising he might need to prioritize projects that were submitted and bring to Council at the next meeting.

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

No further report.

## **18. COUNCIL MEMBERS' REPORTS**

Councilmember Smith inquired if an alternate member could attend the Chamber Governmental Affairs Committee meeting on Friday at 8:30 at Bank of the Islands. Vice Mayor Miller offered to attend.

## **19. PUBLIC COMMENT**

Public Comment:

- Matt Skok - Sanibel Resident - requesting clarity in the actions taken regarding the Shared Use Path Master Plan Update approval

Discussion ensued regarding receiving comments at the end of the process and concerns should be directed to the City Manager.

## **20. ADJOURNMENT**

There being no further business, the meeting adjourned at 3:06 p.m.