



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Minutes - Final City Council

Tuesday, October 6, 2020

9:00 AM

City Hall

1. CALL TO ORDER

Mayor Ruane called the meeting to order at 9:00 a.m.

2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilman Johnson)

Councilman Johnson gave the Invocation and led the Pledge of Allegiance.

3. ROLL CALL

Present: 5 - Mayor Kevin Ruane, Vice Mayor Mick Denham, Councilman Jason Maughan, Councilwoman Holly Smith, and Councilman Richard Johnson

4. PLANNING COMMISSION REPORT (Commissioner Kirchner)

Commissioner Grogman gave the Planning Commission Report as follows:

- Elevated swimming pool in the bay area, recognized as consistent with environmental considerations and no significant construction impacts, passed unanimously
- Commission in discussion regarding seawalls, getting facts in order to come to a successful judgement for best decisions
- Discussion on content neutral signage, moved to next meeting

5. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

a. Public Comment Emails

None

6. COUNCIL COMMENTS

Councilman Johnson spoke to the Community Services department and thanked staff for work related to rainfall from storm Sally, residents portraying patience as we work thought the challenges related to the amount of rainfall.

Councilwoman Smith thanked Councilman Johnson for his prayer and including the Century Family. She further congratulated Bailey Johnson for receiving the 40 under 40 recognition from the Chamber.

Vice Mayor Denham spoke to speedy recovery of the President of the United States

and first lady, he offered condolences to the family of Dee Century and further spoke to the confusion regarding the governors announcement about fines related to COVID-19 regulations, removing fines, and consequences of such, modifying protections dangerous, and masks still being an important component to curbing the virus.

Councilman Maughan offered condolences to the family of Dee Century, and further stated he is looking forward as Scoutmaster for Sanibel's first Eagle Scout, Kenny Kouril which will be presenting his project on Veterans day.

Mayor Ruane echoed all of council's sentiments, offered prayers for the president and the first lady, and stated at 11:30 a.m. Mayor Ruane will need to recess.

Councilwoman Smith spoke to previous commitments at 1:00 p.m. today.

7. PRESENTATION(S)

- a.** Presentation and discussion with Denise Vidal, Chief Executive Officer of Lee County Electric Cooperative, regarding Lee County Electric Cooperative operations and reliability

Mayor Ruane introduced Denise Vidal, CEO of Lee County Electric Cooperative (LCEC) and she spoke to the reliability and challenges related to electric services provided to island residents.

Denise Vidal, LCEC CEO spoke to the following:

Addressing the issues of electric reliability, she apologized for the frustrations and interruptions, Lee County Electric Cooperative (LCEC) serving customers of Sanibel for 80 years, addressing issue areas, improving services with LCEC, current practices for system infrastructure, maintenance plans, circuit maintenance, vegetation management programs, inspecting equipment, 4 circuits on Sanibel, visual inspections and physical inspections every 2 years on Sanibel, main feeder hot spot trimming includes inferred inspection, vegetation coming in contact with the lines, 3 phase line trimming on 3 year cycles, last conducted in 2018, scheduled again for 2021, single phase in 42 miles currently being inspected in this year cycle, current life vs. expected life, third party determine depreciation rate, 36 years for poles, 31 years for wiring, basis for expected life derived from data from inspections, replacement and upgrade schedule, rebuilt portions of 2 circuits along Sanibel Captiva Road, Palm Ridge Road and Tarpon Bay Road in 2014, 2015 upgraded an under ground feeder on West Gulf Drive, and rebuilt portions of the same circuit on Donax Street, Middle Gulf Drive and East Gulf Drive, 2016 converted the pole to underground at the 'S' curve on Sanibel Captiva Road, rebuilt a portion of the circuit on Rabbit Road and upgraded the conductor, 2019 updated conductors, 2020 replaced 11 poles, wood pecker damaged last pole that caused an outage, automation for the electric network, safety

for lines working remotely, lines that could start fires, visual inspections a vital part to the integrity of system, operators can sometimes perform remote work, how many customers are with out service at one time, outage restoration, cameras on power coming into Sanibel, 9 automatic reclosers on Sanibel for emergency use, such as a temporary fault like a branch rubbing the line, testing 2 - 3 times a year, 16 automatic switching devices, re-routing power to impacted customers, outage priorities, safety while returning services, finding root cause of the outage, on-going discussions regarding reviewing tree trimming schedule, accelerate the inspections, share capital improvement plan with Sanibel, sharing infographics on reliability and services provided, and advertising in Sanibel publications.

Discussion ensued regarding recent outages, Tropical Storm Sally rain event impacts to electric reliability, thanked service men working on lines, homeowner inconvenience, business interruptions are detrimental, believe more tree trimming could alleviate the system, accelerating the tree trimming schedule for Sanibel to accommodate the tree canopy and seasonal traffic, prioritize businesses first to restore power, protocol for outages, clear faults, individual review per customer, network construction, vegetation in areas of high wire line, receiving robo-calls from LCEC with few details regarding where, automated calls to provide more information like a zip code or area of impacted service, Council Members thanked Ms. Vidal for coming to Council meeting, power outages can be detrimental to business owners, inconvenience for homeowners, Councilwoman Smith also thanked Ms. Dorn for her hard work done during wind and storm events, commercial accounts in special route, struggle to follow typical reporting process, focused on residential outages, what is considered a large outage, vegetation trimming paramount to reliability to services, 2 - 3 outages per month, effects at dinner hour, does LCEC confirm outages via internal messaging or rely on residents to report, a little of both, working with county to identify long term disruptions, relying on LCEC, IWA, and County in event of emergency or storm, from an emergency management stand point, give citizenry confidence that services will remain on, restaurant industry suffering from outages at dinner hour, and chamber putting together quantitative data regarding the loss.

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

- a. ORDINANCE 20-005 AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 74 - WATERWAYS, ARTICLE II. - WATERCRAFT, DIVISION 1. - GENERALLY; AMENDING SECTION 74-31 - DEFINITIONS; AMENDING SECTION 74-32 - FINDINGS; PURPOSE; AMENDING SECTION 74-33 - STATE LAW ADOPTED; AMENDING SECTION 74-35 - PENALTIES; ENFORCEMENT; ESTABLISHING SECTION 74-36 - ESTABLISHMENT OF MANATEE PROTECTION AREAS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 20-005

Second Reading and Public Hearing set for November 3rd, 2020 at 9:10 a.m.

- b. **ORDINANCE 20-006 AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION III, PERMITS, SECTION 66-85 - FEES; HOURS; PROVIDING FOR INCREASES IN FUTURE FISCAL YEARS TO OCCUR AUTOMATICALLY BASED UPON A DEFINED CONSUMER PRICE INDEX; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 20-006

Second Reading and Public Hearing set for November 3rd, 2020 at 9:10 a.m.

9. 9:10 - SECOND READING AND PUBLIC HEARING

- a. **ORDINANCE 20-002 AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 2-ADMINISTRATION, ARTICLE II - CITY COUNCIL, DIVISION 3 - MEETINGS; AMENDING SECTION 2-66, MEETINGS OF CITY COUNCIL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 20-002.

Councilwoman Smith moved, seconded by Councilman Maughan to adopt Ordinance 20-002.
The motion carried.

- b. **ORDINANCE 20-003 AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 22-CIVIL EMERGENCIES, ARTICLE II - DISASTER PREPAREDNESS, DIVISION 2 - STATE OF EMERGENCY; AMENDING SECTION 22-57, TERMINATION OF PROCLAMATION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra Read the title of Ordinance 20-003

Councilwoman Smith moved, seconded by Councilman Johnson to adopt Ordinance 20-003. The motion carried.

- c. **ORDINANCE 20-004 AMENDING CHAPTER 50, ARTICLE III, POLICE OFFICERS' RETIREMENT, DIVISION 2, PENSION PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL, AMENDING SECTION 50-356, INTERNAL REVENUE CODE COMPLIANCE, TO PROVIDE FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read the title of Ordinance 20-004.

Vice Mayor Denham moved, seconded by Councilwoman Smith to adopt Ordinance 20-004. The motion carried.

10. CONSENT AGENDA

Vice Mayor requested to pull item f for discussion.

f. RESOLUTION 20-067 ADOPTING THE CITY OF SANIBEL EMERGENCY OPERATIONS PLAN; PROVIDING THAT SUCH PLAN SUPERSEDES ANY AND ALL PRIOR INCONSISTENT COMPREHENSIVE EMERGENCY MANAGEMENT PLANS AND EMERGENCY OPERATION PLANS DEVELOPED FOR THE CITY OF SANIBEL; AND PROVIDING AN EFFECTIVE DATE

Discussion ensued regarding the management plan, correspondence with Lee County County Manager, Roger DeJarlais, collaborating with partners such as Island Water and Lee County Electric Cooperative, issues addressed with emergency partners, continuing under current plan until new plan adopted, important not to set aside, approve or defer, keeping citizens apprised in case of emergency, the plan should the bridge become unusable, can educate the public, relying on the 911 system, differing to next Council meeting and meeting with other partners, stand behind current emergency plan as interim, discussing 4 major topics transportation, water, electric and communications with partners, frequency of updating Emergency Management plan, update from lessons learned during Hurricane Irma, triggers for major updates being storms and other events, and the percentage of reimbursements being determined via emergency management plan.

Public comment:

Karen Strojohann

Discussion ensued regarding a ferry service, or a barge should the causeway become compromised,

Councilwoman Smith moved, seconded by Vice Mayor Denham to continue Resolution 20-067 to the November 3, 2020 City Council meeting and direct staff to follow-up with list of partners via letter from Mayor Ruane to update the City in writing with updated emergency plans. The motion carried.

c. RESOLUTION 20-073 BY THE CITY OF SANIBEL SUPPORTING AN APPLICATION FOR FUNDING FROM THE FLORIDA BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM FOR FISCAL YEAR 2021-2022 AS PART OF THE SANIBEL ISLAND BEACH NOURISHMENT PROGRAM ALONG NORTH SANIBEL ISLAND; AND PROVIDING AN EFFECTIVE DATE

d. RESOLUTION 20-078 APPROVING BUDGET AMENDMENT 2020-015 AND PROVIDING AN EFFECTIVE DATE (To appropriate \$235,161 in expenditures from ending fund balance in response to actual operations in the Recreation Center. The funding for this amended is

coming from projected budgeted ending fund balance)

j. RESOLUTION 20-077 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS CAPITAL ASSETS; AND PROVIDING AN EFFECTIVE DATE

Ms. Zimomra read the titles of Resolutions 20-073, 20-078 and 20-077.

Vice Mayor Denham moved, seconded by Councilman Johnson, to approve the Consent Agenda. The motion carried.

- a.** Approval of Minutes - September 14, 2020 Regular Meeting
- b.** Approval of an engagement letter with CliftonLarsonAllen LLP to perform the fiscal year 2020 audit of the City's Comprehensive Annual Financial Report and authorize Mayor and City Manager to execute same
- e.** Approval of a Memorandum of Understanding between the City of Sanibel and the Florida Department of Highway Safety and Motor Vehicles for access to the Biometric Facial Analysis System and authorize the City Manager to execute same
- g.** Approval of an agreement between the City of Sanibel and Lee County Board of County Commissioners regarding LeeCARES and authorize the City Manager to execute same
- h.** Approval of a grant from the Tourist Development Council (TDC) Interlocal Agreement for Beach and Shoreline Erosion Survey (project 401747) in an amount not to exceed \$40,000 and authorize the City Manager to execute same
- i.** Approval of a grant from the Tourist Development Council (TDC) Interlocal Agreement for Facility/Beach Maintenance - Erosion Control (project 401656) in an amount no to exceed \$1,626,600 and authorize the City Manager to execute same
- k.** Approval of a request from the United Way authorizing placement of a temporary thermometer sign at Bank of the Islands, 1699 Periwinkle Way (consistent with previous years)
- l.** Approval of a motion to pay the State of Florida Health Department approximately \$4,472 to resume weekly sampling at \$43 per sample

Approval of non-resolution consent agenda items a, b, e, g, h, i, k and l.

Vice Mayor Denham moved, seconded by Councilman Johnson to approve the remaining consent agenda items a, b, e, g, h, i, k and l. The motion carried.

11. OLD BUSINESS

- a.** Water Quality Issues
 - i. Reports from Acting Director Milbrandt

Acting Director Milbrandt gave a water quality as follows:

Lake Okeechobee measuring at 15.8 feet of water, 2.4 feet higher than last year, 1 foot higher than 2018, 809 cubic feet per second (cfs), through 351, 352 and 354 structures, currently in low sub-band of Lake Okeechobee Regulation Schedule (LORS), seasonal outlook is wet, exceeding flows from basin run off, No flow from lake to the west almost all summer, expected to move to lower sub-band, LORS guidance could lead to more water being released, core taking cautions week to week approach, recognizes local run off, very close to dry season, predicting dryer than normal, taking into account tropical forecast, core has scheduled scientist call weekly, flows to Caloosahatchee at 4000 cfs from water shed, flows from own water shed, Salinity has fallen at less than 1% in upper estuary, good for Tape grass, not for oysters, climate outlook predicting 30-60 percent above average rainfall, equal chances for dry season, National Oceanic Atmospheric Administration (NOAA) reporting La Nina conditions present, red drift algae not present, harmful algae blooms reports from NOAA, recommending additional sampling, upcoming meeting for South Florida Water Management District on Thursday, November 5, and South Florida Ecosystem Task Force meeting next week.

Discussion ensued regarding water supply, releases, cautious approach by district, periodic scientist call, really no harm in having water in the lake held a bit higher, need for balance, political pressure off of community around the lake, greater flexibility for those working with the project, blue green algae flocculating, mostly in eastern part of the lake, no blooms in Caloosahatchee, core focused on safety for the Herbert Hoover Dike, concerns for dike failure, ideal to have between 12- 15 feet, no safety issues at this time and the mayors ability to continue serving on the working group in his commissioner capacity.

ii. Appointment of Acting Director Milbrandt to the Science Coordination Group (SCG)

Mayor Ruane and the City Council Members congratulated Acting Director Milbrandt to her appointment to the Science Coordination Group.

- b.** Discussion and direction to staff establishing the deadline for applications for person's seeking to be appointed to the upcoming City Council vacancy (Mayor Ruane)

Discussion ensued regarding council vacancies, the strong desire by Councilman Maughan to remain on council for the remainder of his term, referred to motion at last council meeting, appointing one Councilmember at the November City Council meeting and one Councilmember at the December City Council meeting, proposal for accepting applications for the November City Council meeting closes on October 20th would allow a couple of weeks to review the applicants prior to the November meeting and similar to the December City Council meeting the accepting applications

closes on November 5th allowing 3 weeks to review applicants, carrying over applications from first appointment to the second, and one submission for either seat.

Public comment:

Claudia Burns

Vice Mayor Denham moved, seconded by Councilwoman Smith to clarify deadlines for City Council submissions have a deadline of October 20, 2020 for the November 3, 2020 appointment and November 5th deadline for the December 1, 2020 appointment, and any submissions not appointed at the November 3rd meeting would be carried over for consideration at the December 1, 2020 meeting. The motion carried.

12. COMMITTEES BOARDS COMMISSION

- a. **RESOLUTION 20-068 RATIFYING THE RESULTS OF THE EMPLOYEE ELECTION FOR THE GENERAL EMPLOYEES' RETIREMENT PLAN BOARD; REAPPOINTING FIVE TRUSTEES; APPOINTING THE CITY MANAGER DESIGNEE; AND PROVIDING FOR AN EFFECTIVE DATE**

Ms. Zimomra read the title of Resolution 20-068

Councilman Maughan moved, seconded by Councilwoman Smith to adopt Resolution 20-068. The motion carried.

13. NEW BUSINESS

- a. Discussion reviewing the current fines and potential changes to the sign ordinance for both illegal parking and alcohol on beaches (Vice Mayor Denham)

Discussion ensued regarding fines and penalties related to illegal parking, signage has been removed, direction from Governor DeSantis, current fine is \$50 for illegal parking, people taking advantage, consider looking at illegal parking fines, increasing fines, parking can be an issue, making the fine sufficient enough to deter the illegal parking, is \$200 excessive, and forms of signage.

Chief Dalton spoke to the historic disregard for \$50 parking fine, 205 parking citations given prior to raising the parking fine, citations for parking dropped below 50 after raising the fines, recipients for tickets suggested a \$100 fine, staff thought \$200 was high but recommended at the time due to state of emergency we were in, simply a deterrent for people illegibly parking, can come back to council if need to be raised again, \$200 was relevant and appropriate, large signage too much, obligation to educate the public of fines and expectations for parking, doubling of current fine to get to 100, we passed fines when beach parking was closed, parking in 'A' Sticker spots when parking lots closed, give the public an opportunity to park so they parked where they wished, instilling the fine deterred this, burden to processing fines, citizens actually paying fines, rental car situations, borrowed vehicles from visitors, 60 - 70% pay parking fines, signage taking away from importance of the matter, fair warning with signage, parking in residential lawns, police department suggesting \$100 fine,

damage to resident property, middle ground for the department and effective deterrent, double from the \$50 to \$100, if public beach lots are closed Council could bring back up to \$200, the demand for parking on Sanibel, regulations in place to keep Sanibel Sanibel, supporting recommendation of council and staff, middle ground at \$150, and supporting the \$150 fine.

Attorney Agnew spoke to the availability to change the fines through the ordinance.

Discussion continued regarding recommendation for first reading with new parking fees, and prominent but not invasive signage for wrongful parking.

Councilwoman Smith moved, seconded by Councilman Maughan to draft legislation for first reading, increasing parking fines from \$50 to \$150. The motion carried.

Discussion ensued regarding alcohol prohibitions on Sanibel, objection from Councilman Maughan from total ban, seeking suggestion from Chief Dalton for middle ground, emergency resolution worked well, parties of 10 or more require special events permit, alcohol permitted from time certain, staff direction to prepare draft ordinance for first reading regarding citations for alcohol and prohibiting certain hours, causeway islands are not within the Sanibel jurisdiction, applying to only public paid beach accesses, more than 10 persons would require special events permit, identifying problem areas, residents concerned certain areas were problematic, areas adjacent to the paid public beach parking lots, and can adjust as needed.

Vice Mayor Denham moved, seconded by Councilwoman Smith to draft an ordinance for first reading regarding alcohol on the beaches, including citations, and groups of ten or more persons requiring a special events permit. The motion carried.

14. CITY MANAGER

a. Informational Items

i. Status Report on the Donax Rehabilitation Project

1. PowerPoint

Director Williams spoke to the repairs done at the Donax Treatment Plant, concrete pours have commenced, list of items for direct purchase orders, demolished faulty basin, updated completion schedule, asking for more time but on contractor to fund, and official amendment regarding change in ending dates, could date be pushed back an additional time, and concrete work done already.

ii. Memorandum from City Engineer and Director of Community Services - Tropical Storm Sally

iii. Sanibel Causeway Traffic Counts for August and YTD 2020

iv. Status Reports

1. Iguana Update

2. Water Irrigation/Conservation Report

3. Horticulture Waste Plastic Ban Deadline Update

4. Recreation Center Update

5. Distribution of County provided Personal Protective Equipment (PPE)

i. Press Release

6. Special Events

vi. Council Appointment Letters

1. Letter dated August 21, 2020 appointing Vice Mayor Denham to the FLC Committee

2. Letter dated August 21, 2020 appointing Councilman Maughan to the FLC Committee

3. Letter dated August 21, 2020 appointing Councilwoman Smith to the FLC Committee

4. Letter dated August 21, 2020 appointing Councilman Johnson to the FLC Committee

15. CITY ATTORNEY'S REPORT

None

16. COUNCIL MEMBER'S REPORT

Mayor Ruane encouraged Councilmembers to apply for the Florida Municipal Loan Council through the Florida League of Cities (FLC) as this Committee is an important aspect of the League.

Vice Mayor spoke to the FLC Utilities, Natural Resources and Public Works Committee meeting, governor and legislators continuing to work on water quality, House Bill 6077 regarding tree trimming which was debated and failed in committee, concerned it could cause the City issues in the future. He also spoke to the Southwest Florida League of Cities (SWFLC) meeting which mentioned Mayor Ruane receiving the E. Drew Harris Award.

Councilwoman Smith spoke to the FLC Municipal Administration Committee considering priorities of cyber security, short term rentals, virtual meetings, public notices, smoke free zones in public parks, fireworks, and communications among elected officials. She thanked Vice Mayor Denham regarding watching the tree

trimming legislation. She further Horizon meeting awarding the Edison Awards in the City of Fort Myers, significant for innovation, 3 year commitment, awarded \$50,000.

Councilman Johnson spoke to his participation in Transportation and Governmental Relations Committee, sparked work force housing and affordable housing, meeting with the re-opening sub-committee for the Sanibel Historical Village reopening, steps taken to make sure public is safe when visiting, well above and beyond the normal protocols.

Councilman Maughan spoke to FLC Taxation Committee meeting, sales tax fairness initiative, local teams and business sponsored this initiative, register sales tax made on out of state products and report them to Internal Revenue Service, online versus physical store shopping, technically last meeting on council today, grateful for his Councilman position, same neighborhood since 7 years old, thanked citizens for calling him to this position, thankful for being an American, happy to feel welcomed, never forgot what keep him here, and extended thank you to Mayor Ruane and Vice Mayor Denham for working with him, spend more time fighting for citizen than himself, job to carry out law, elected on March of 2017, extremely proud of running for office, looking forward to working with all in the future should he be allowed, reducing taxes for senior center, touched and humbled by personal letter penned by the governor, fight for mining in South West Florida, team work got Councilman Maughan the endorsements to run for House Representatives District 76, and would like to finish out term on Council.

- a. Attendance at the Zoom meetings for Florida Municipal Insurance Trust (FMIT), Florida Municipal Loan Council (FMLC), Florida Municipal Insurance Investment Trust Committee (FMIvT) and the Florida Municipal Pension Trust Fund (FMPTF) (Mayor Ruane)
- b. Attendance at the Zoom meeting for the Florida League of Cities Utilities, Natural Resources and Public Works Committee (Vice Mayor Denham)
- c. Attendance at the Zoom meeting for the Florida League of Cities Municipal Administration Committee (Councilwoman Smith)
- d. Attendance at the Horizon Meeting (Councilwoman Smith)
- e. Attendance at the Zoom meeting for the Transportation and Intergovernmental Relations Committee (Councilman Johnson)
- f. Attendance at the the Zoom meeting for the Finance and Taxation Committee (Councilman Maughan)

17. PUBLIC COMMENT

Public Comment:
Arlene Dillon

18. ADJOURNMENT

There being no further business the meeting adjourned at 11:32 a.m.