



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Minutes - Final City Council

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Tuesday, February 2, 2021

9:00 AM

City Hall

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### 1. CALL TO ORDER

The meeting convened at 9:05 a.m.

### 2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilman Muench)

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

### 3. ROLL CALL

**Present:** 5 - Vice Mayor Mick Denham, Councilman Chauncey P Goss, Councilwoman Holly Smith, Councilman Richard Johnson, and Councilman Jerry Muench

### 4. PRESENTATION(S)

- a. Presentation of the Year One Monitoring Report for the Jordan Marsh Water Quality Treatment Park presented by Mark Thompson, Sanibel Captiva Conservation Foundation (SCCF) Marine Laboratory

Natural Resources Director Holly Milbrandt gave a brief history of the Jordan Marsh project. Researcher with Sanibel Captiva Conservation Foundation (SCCF), Mark Thompson gave a brief PowerPoint presentation of the project in which he stated the purpose of the project is to filter the water from the Sanibel River. The filtered water is then discharged into the Sanibel Slough. For the first 18 months the water was sampled 11 times at the influent and effluent areas. In addition, three separate tests were conducted to sample each step of the filtering process with flow data gathered to determine how much nitrogen was being filtered. Excess nutrient removal is accomplished by the shallow water flow over vegetation. With solids removal at the third stage of the filter. Turbidity testing calculates the the clarity of the water at the end. The target design goal was to run the marsh at 1.2 million gallons per day, actual was about 1/3 of that due to issues with mechanics reducing the flow rate. Load reduction of nitrogen levels were 32% and phosphorus was 55%, both lower than the goal. Total maximum daily load requirements were also lower.

Year 2 projections are hopeful for higher flow rates reaching 59% of nitrogen and 12% of phosphorus removal. There are two monitoring stations monitored by the City, to date there is a slight downward trend in nutrient data but that has not been statistically supported yet. The east basin also looks at chlorophyll concentrations. Mr. Thompson further spoke to the 100 year storm event causing a rise in the levels of nitrogen and phosphorus with real-time flow monitoring available on the website.

Recommendations were to improve mass removal by increasing input rate. Since the summer of last year flow rates are staying at target amounts. Stage 3 appears to be too deep for the required plants to help with the removal. Mr. Thompson further recommended installing floating plants or floating islands to use the root systems for filtering as well as looking into installing an observation tower at the marsh.

Discussion ensued regarding water remaining in the marsh for approximately 4 days for the filtering process. The system today is running better and flows are within the target areas. The marsh water levels decrease with the lowering of the water table, in turn reducing the effluent levels. Pumps will be monitored to maintain required flow rates. Run-off and reclaimed water are both being treated within the marsh.

Comparing the Jordan Marsh to the Lee County Lakes Park and the 6 Mile Slough Marsh for successful practices. Periphyton is a growth of microbes and organisms that is submerged in aquatic vegetation. Director Milbrandt spoke to not removing Cattails from the marsh which have spread to other areas of the Marsh because they are still beneficial to the removal of excess nutrients from the water. Director Williams noted that any water leaving Marsh would be considered effluent and Council thanked Mr. Thompson for his presentation and report.

## **5. PLANNING COMMISSION REPORT (Commissioner Storjohann)**

Commissioner Storjohann gave a brief report of the January 26, 2021 meeting stating that the meeting was an organizational meeting at which Roger Grogman was elected Chair.

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

Public comment emails received as of 3 p.m., Monday, February 1, 2021

Public Comment:  
Larry Schopp

## **7. COUNCIL COMMENTS**

Councilman Goss wished Vice Mayor Smith a Happy Birthday.

Vice Mayor Smith spoke to discussions had with Senator Rodrigues regarding budget requests and with Representative Adam Botana regarding Phase 4 of the sewer expansion. Ms. Smith further spoke to working on a tour for an East Coast official from Miami to come and discuss water quality. As well as attending a tour with Commissioner Ruane of the vaccination site at Regional South West (RSW) Airport.

Councilman Johnson additionally spoke to touring the vaccination site at RSW and noted that given additional vaccines, the RSW site could be very busy but asked all

for patience in the process to get all vaccinated.

## 8. 9:10 - SECOND READING AND PUBLIC HEARING

- a. **ORDINANCE 21-001 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; INCREASING RESTRICTED PARKING PERMIT FEES (FOR "B" DECALS, "C" DECALS, AND "BC" DECALS); PERMANENTLY ADOPTING BOAT RAMP USE FEE; ELIMINATING FILING FEE FOR PARKING VIOLATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read into record the title of Ordinance 21-001.

Discussion ensued regarding separating the C and B stickers, separating Algiers from the boat ramp sticker, and the possibility of removing the C sticker altogether.

Attorney Agnew spoke to the C permit relating to the boat ramp and the state funds used in building and maintaining the boat ramps.

Discussion continued regarding the B sticker and how much it should cost. Council voiced concerns that the figures included in the ordinance were too high and suggested to reduce the amounts to \$300 and \$400. It is not councils intention to discourage visitor use of the beaches by not making it prohibitive to purchase but rather to make sure the stickers have the proper value before reinstating the sale of the B stickers. The cost of hourly/per day parking versus the purchase of a parking pass for beach visitors was considered while discussing the price increase. Council further inquired if there is a fair value for the B sticker in increasing the price, it is premium parking and a convenience without having to pay the hourly rate. Concerns were further expressed about the perceptions that this is a penalty; there is an expense to maintaining the beaches and the funds from the stickers goes to those expenses. There was consideration of making an adjustment to price this year as well as review it next year with the addition of an adjustment clause in the ordinance. There could be a proration for the stickers purchased for the remainder of 2021, and the non-resident stickers are not limited to just Lee County residents.

Suggestion being \$300 for B and \$399 for BC, prorated would be \$200 for B and \$299 for BC.

Public Comments:

Peter Pappas

Discussion continued regarding hearing the comments from the public and reading all the emails received. The value of the B sticker was increased by adding the use of Algiers/Gulfside City Park and the proration of the fees being the proper thing to do. This ordinance is as protective as Ordinance 81-10 regarding protecting our beaches. Further discussion ensued regarding beach parking being increased a few years ago so the residents were not bearing the full cost of maintaining the beaches and facilities.

Ms. Zimomra stated that as drafted the effective date could be adjusted and signs would need to be updated at Algiers parking, and that the Recreation Center is prepared for sticker sales starting on Monday, February 8, 2021.

Vice Mayor Smith moved, seconded by Councilman Johnson to remove Algiers/Gulfside City Park from the C sticker and include in the A and B stickers, set price of B sticker to \$300, BC to \$399, keeping the boat ramp user fee, prorating B and BC stickers for FY2021, and updating the effective date to February 8, 2021. The motion carried.

## 9. CONSENT AGENDA

Vice Mayor Smith requested to pull items b, f, and h for discussion.

**b. RESOLUTION 21-017 DESIGNATING THE QUALIFIED CANDIDATES FOR THE OFFICE OF CITY COUNCIL FOR THE MARCH 2, 2021 CITY OF SANIBEL MUNICIPAL SPECIAL ELECTION; AND PROVIDING AN EFFECTIVE DATE**

Ms. Zimomra read into record the title of Resolution 21-017.

Vice Mayor Smith thanked all the qualified candidates and further inquired from the City Attorney the allowance of political signs versus the special permissions related to commercial signage for COVID restrictions.

Discussion ensued regarding candidate information like contribution and expenditure reports being added to the City website; Clerk Kelly confirmed the information would be added.

Vice Mayor Smith moved, seconded by Councilman Goss to adopt Resolution 21-017. The motion carried.

**f. Request for a total of 35 special event permits for 2021 for Sundial Beach Resort and Spa located at 1451 Middle Gulf Drive**

Discussion ensued regarding special event permits, how the item is not an issuance of a permit but allowance for applications in excess of the allowed amount for 2021.

Vice Mayor Smith moved, seconded by Councilman Goss to approve item (f). The motion carried.

**h. Police Department request for emergency approval to purchase body wearable cameras and equipment through Florida State Contract MNC-124 43211500-WSCA-1 (This request does not increase the fiscal year 2021 budget.)**

Discussion ensued regarding body cameras for the Police Department being very important. Chief Dalton noted events in the recent past which have increased the desire for body cameras for protection purposes and further spoke in support for Council's decision to approve such purchase.

Vice Mayor Smith moved, seconded by Mayor Denham to approve item (h.) The motion carried.

- c. **RESOLUTION 21-018 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS CAPITAL ASSETS; AND PROVIDING AN EFFECTIVE DATE**
- d. **RESOLUTION 21-019 AMENDING RESOLUTION 21-009 WHICH APPOINTED THREE MEMBERS TO THE SANIBEL PLANNING COMMISSION CORRECTING THE TERMS OF THE TWO MEMBERS APPOINTED TO FILL THREE-YEAR TERMS; AND PROVIDING AN EFFECTIVE DATE**
- g. **RESOLUTION 21-020 APPROVING BUDGET AMENDMENT 2021-008 AND PROVIDING AN EFFECTIVE DATE** (To budget \$1,666,600 in grant revenue to be received from the Lee County Tourism Development Council (TDC) based upon executed grant agreements. This amendment increases the fiscal year 2021 budget by \$1,666,600. The expenses related to these grants have already been included in the adopted fiscal year 2021 budget)
- i. **RESOLUTION 21-021 APPROVING BUDGET AMENDMENT 2021-008 AND PROVIDING AN EFFECTIVE DATE** (To appropriate up to \$87,500 from the General Fund reserve for environmental initiatives to fund water conservation programs. The funds for this amendment are being appropriated from the General fund reserve for environmental initiatives. This amendment does not increase the fiscal year 2021 budget.)

Ms. Zimomra read the titles of Resolution 21-018, 21-019, 21-020 and 21-021 into the record.

Councilwoman Smith moved, seconded by Councilman Muench, to adopt Resolutions 21-018, 21-019, 21-020 and 21-021. The motion carried.

- a. Approval of Minutes - January 19, 2021
- e. Authorization for approval to piggyback the Request for Proposal (RFP) from ATP Engineering South who was awarded a contract with Manatee County. The total amount of the RFP is \$11,450 for Mechanical, Electrical, and Plumbing (MEP) Engineering Services for the City of Sanibel Recreation Center Heating, Ventilation, and Air Condition System (HVAC) Chiller Replacement Design. This does not increase the FY-2021 budget.

Approval of non-resolution consent agenda items a and e.

Councilman Goss moved, seconded by Councilman Johnson to approve non-resolution consent agenda items a and e. The motion carried.

## 10. OLD BUSINESS

a. COVID-19 Discussion (Mayor Denham)

Mayor Denham spoke to hoping that there would be increased amounts of vaccinations available.

Discussion ensued regarding COVID safety measures, what the guidelines are regarding a definition of face coverings, and people staying safe by following CDC protocols. Council thanked Staff for running the City while being disrupted by COVID, what the County or City can do to enforce COVID safety measures. Attorney Agnew read into record the CDC description of face coverings and that there were exemptions included which allowed for face shields to be acceptable. Discussion ensued regarding CDC guidelines being the bare minimum requirement, with council observing and still learning along the way, but still recommend the continued mask mandate and signage.

Public Comment:

Michael Raab

Dr. Scott Crater

Peter Pappas

Discussion ensued regarding keeping the mask mandate in effect.

Mayor Denham spoke to reaching out to citizens, and further spoke to participating in a daily phone call with the County Commission and Mayors. Mayor Denham spoke to following up on calls to gather further information and later conferred with the City Manager. Currently the county is receiving only 3,400 per week, this amount does not count for what is being distributed to Publix and Lee Health. The Governor has given priority to assisted living facilities. Mayor Denham further commented on how County Commissioner Ruane has continued to push for additional amounts of the vaccinations. Lee County has a very effective site for distributing the vaccinations at RSW. Mayor Denham spoke to a letter from the Local Delegation and Lee County Mayors sent to invite the Governor to come visit the RSW site in hopes of receiving more doses.

Council thanked Mayor Denham for all his efforts, Mayor Denham thanked Councilmen Goss and Muench for their efforts and willingness to serve during this time.

Ms. Zimomra spoke to the additional LeeCares dollars being in the amount of 23.6 million from the Federal Government for rental assistance, water, electric and sewer. For someone to be eligible for the funding they must show the reason for being in arrears is due to COVID. The County has decided to distribute the funds by population, with Staff's recommendation being for the County to administer the funds

and for Staff to work with local agencies . Discussion ensued regarding if the allocation was based on residence to which Ms. Zimomra confirmed. Councilman Johnson spoke to being liaison for Community Housing and Resources Inc. (CHR) and working with them regarding helping residents through the process as needed. Discussion ensued regarding CHR dealing internally with residents that are in arrears on their rents, and payments going directly to the utilities and landlords not to the residents, with the addition that landlords are to not pursue evictions at this time. Press releases were sent out to all on the database, posted on the website, sent directly to the non-profits and large businesses on the island. Council further encouraged the local news to help disseminate the information. Ms. Zimomra also noted the faith based organizations were notified.

Public Comment:

Karen Storjohann

- b.** Water Quality Issues
  - i. Reports from Director Milbrandt

Holly Milbrandt, Director of Natural Resources, gave a brief report regarding water quality, lake elevations being higher than the past 2 years, last Friday the Army Corps of Engineers (ACOE) noted the releases would increase with no releases to St. Lucie estuary, and the deviation that was adopted last year allows for the Corps to adjust the releases as required due to algae blooms. A patchy plumb of red tide throughout Lee and Collier Counties had been detected near and off shore with small deposits of red drift algae at Tarpon Beach that have subsided. Council spoke to the harm threshold being 2,100 csf of outflows into the Caloosahatchee. The Army CORPs of Engineers has released 2000 cfs, we requested 1,000 cfs, but the Director briefly explained that receiving 2,000 cfs is not bad if red tide is not evident at the same time.

Director Milbrandt further spoke to a joint meeting of the Ecosystem Task Force and Working Group which discussed the Water Resources Development Act (WRDA) which tasked the working group to develop a list of priorities, one of which was for invasive species within the Everglades Agricultural Area (EAA). WRDA also reauthorized the EAA as part of Central Everglades Planning Project (CEPP). Construction of the cells for the Storm water Treatment Area (STA) are scheduled to begin this year, with Governor DeSantis releasing his budget with funding for projects in the EAA in the amount of 473 million dollars. Kissimmee River Restoration Project as well as the C43 and C44 STA are also scheduled to complete this year. Staff is anticipating a full meeting of the taskforce in May 2021. Lake Okeechobee System Operating Manual (LOSOM) update showed modeling efforts that have been narrowed down to eight specific systems. WRDA 2020 required the LOSOM to consider each objective, and what performs best for the Caloosahatchee. Congressman Brian Mast issued press release abdicating that the CORP's adopt a 4C -1 Strategy, one of the 14 LOSOM conceptual plans that eliminate

discharges from Lake Okeechobee to the St. Lucie Estuary. Director Milbrandt expressed that staff is not aware of any model runs that eliminate runs to the St. Lucie without discharge issues to the Caloosahatchee.

Discussion ensued regarding staff participation on the technical advisory committee, and the management committee from the Coastal Heartland National Estuary Partnership.

- ii. Notification from Florida Fish and Wildlife Conservation Commission (FWC) approving City of Sanibel Ordinance No. 20-005 establishing local manatee protection areas within the waters of Pine Island Sound and San Carlos Bay adjacent to Sanibel Island and next steps

Director Milbrandt spoke to the next steps being to go through the Fish and Wildlife Conservation Commission (FWC) permitting process and for the buoys to be installed.

## 11. CITY MANAGER

### a. Informational Items

- i. Proclamation honoring the League of Women Voters on their 10th Anniversary
- iii. Status of preparation for upcoming Legislative Session
- iv. Sanibel Causeway Traffic Counts for December 2020 and Calendar Year 2020
- v. Historical Museum & Village, Inc. Financial Statements for December 31, 2020
- vi. Status of Recreation Department Activities
- vii. Status of Special Events

City Manager Zimomra spoke to briefing Council at their 1-on-1 on the items in her report, the League of Woman Voters is in receipt of the proclamation recognizing their 10th anniversary, Causeway counts and parking numbers are all reporting reductions by 20% to 30% with more analysis to come. She further spoke to special events, where the Kiwanis' Annual Spaghetti Dinner has been cancelled.

Discussion ensued regarding a letter of support to the Director of Lee County Parks and Recreation, Jesse Lavender for the new causeway island project which Ms. Zimomra confirmed is drafted.

## 12. CITY ATTORNEY'S REPORT



No report.

### 13. COUNCIL MEMBER'S REPORT

- a. Attendance at the Southwest Florida League of Cities (SWFLC) meeting on January 21, 2021 (Vice Mayor Smith)

Vice Mayor Smith spoke to her attendance at the virtual SWFLC meeting which Senator Ray Rodrigues gave a legislative briefing, and is pleased to know that both Chambers are active in the Resiliency Florida Compact. She further spoke to being introduced to the FLC South West District Ambassador, Shawanda Barnett.

- b. Attendance at the Horizon Council meeting on January 22, 2021 (Vice Mayor Smith)

Vice Mayor Smith spoke to attending the meetings in person, socially distanced. She further spoke to the community industries such as breweries adapting to COVID times by creating hand sanitizer and other sanitary materials as well as industries who recognized a need due to COVID and relocated to fill that need within the community.

- c. Attendance at the Metropolitan Planning Organization (MPO) meeting on January 22, 2021 (Councilman Johnson)

Councilman Johnson spoke to attending the MPO meeting and how the topic of traffic was the main focus. He further spoke to Leetran goals and priorities being on safety and the elimination of incidents.

- e. Attendance at the Sanibel Historic Museum & Village Board meeting on January 28, 2021 (Councilman Johnson)

Councilman Johnson spoke to meeting with the Sanibel Historic Museum and Village Board and that they are focusing on running the Museum and Village with social distancing guidelines. He further recommended having a virtual and recorded version of the Twilight Talks.

- d. Attendance at the Coastal & Heartland National Estuary Partnership (CHNEP) Policy Committee meeting on January 28, 2021 (Mayor Denham)

Mayor Denham spoke to attending the meeting virtually and encouraged a continued relationship with the organization as the Council changes.

- ii. Status Report on Short-Term Rental Registration Program

Director Williams gave a brief PowerPoint presentation regarding the Dwelling Rental License (DRL) and Registration program as instituted by Ordinance 19-007. There are an estimated 347 properties that still need to register for the DRL based on the number of current business tax receipts (BTR). Discussion ensued regarding the

2020 registrations being used in the numbers, renewals are due now as the 2020 licenses expired on December 31, 2020.

Since June of 2020 there have been less than 20 complaints regarding illegal rentals. The City's monitoring company, Host Compliance has been in process for a year, and is now beginning to incorporate DRLs into their monitoring. The classification of non-compliant may be owners that have not registered or properties that are renting illegally. The advertisements are being monitored and evaluated by staff, and staff has seen a reduction in non-compliance.

Discussion ensued regarding how the non-compliant rentals are being identified, staff investigated advertising based on calls received, and requested to have update on DRL program on monthly Council agendas.

#### **14. PUBLIC COMMENT**

There were no public comments from the audience.

#### **15. ADJOURNMENT**

There being no further business the meeting adjourned at 12:46 pm.