



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Minutes - Final City Council

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Monday, September 13, 2021

9:00 AM

City Hall

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### Regular Meeting

#### 1. CALL TO ORDER

The meeting convened at 9 a.m.

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

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

#### 3. ROLL CALL

**Present:** 5 - Mayor Holly Smith, Vice Mayor Richard Johnson, Councilman Scott Crater, Councilman John Henshaw, and Councilman Mike Miller

#### 4. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

There were no public comments from the audience.

#### 5. COUNCIL COMMENTS

Councilman Miller spoke to current Jewish holidays and gave his compliments to Councilman Henshaw for his letter to the Editor in the Island Reporter. He further spoke to becoming the liaison to the Island Seniors and gave a brief report on how the Center4Life will operate in the interim with regard to resuming social activities. The current approach is to bring back to City Council in October a detailed description of the plan with a written agreement.

Councilman Henshaw spoke to the September 11, 2001, attack on the World Trade Center and honored those that gave their lives to save others, acknowledged how the rules and mandates that followed saved lives. He further spoke to the unification and patriotism of the citizenry. He then referred to the letter to the editor in the Island Reporter regarding COVID-19 and the negative comments received after the letter was published.

Councilman Crater thanked Councilman Henshaw for the 9/11 remembrance. He spoke to the Sanibel Causeway Renovation Project and the meeting held by Lee County to discuss the project on August 26th. He specifically spoke to cars being the cause of eroding the causeway islands, alcohol use on the islands, visitors from Miami, a Lee County Parks parking pass is \$60 and is not limited to residents. He further

spoke to possible proposed surfacing including shell or permeable pavers, attaching restrooms to sewer, not allowing trailers or jet skis, and fees collected for rules enforcement.

Councilman Miller added how citizens raised concerns for the Causeway enduring strong storm winds, resilience planning for the Causeway.

Vice Mayor Johnson emphasized that most visitors consider the Causeway as part of the City of Sanibel, the doorstep to our community, which is at risk of being loved to death, and to make sure we are taking all necessary steps. He further thanked Councilman Henshaw on the comments made regarding 9/11 and his respect for the thoughts and wishes of others. Additionally, he spoke to being the liaison for resiliency and the upcoming meeting with Dr. Savarese. Vice Mayor Johnson further spoke to the electronic tolls staying in place, the \$3 increase to the administrative fee if a vehicle does not have a transponder, looking at additional transponder systems, after expenses are paid 21% of funds collected come to the City of Sanibel, and noting that revenue is down from previous years despite the burden of cost on Sanibel.

Mayor Smith spoke to Lee County being very responsive to requests from the City of Sanibel and noting that permanent bathrooms, rather than portable trailers, will be installed during the Causeway project. She also spoke to the current regulations regarding prohibition of launching marine motor craft from the Causeway, and the danger of jet skis in swimming areas. She further spoke to some local beaches not accepting the Lee County beach parking pass, ingress and egress issues, and the need for additional fire hydrants.

Mayor Smith further spoke to the passing of Island Sun Reporter staff member, Jeff Lysiak. She reported regarding her attendance to the Lee County 9/11 remembrance and the E-Awards recognizing staff in the Hospitality industry. She spoke to last Wednesday's meeting with City Manager Zimomra and City Attorney Agnew regarding the new EnerGov program that was recently implemented, as she has been contacted by several members of the construction industry regarding permit submission issues. She noted that staff has been working several years to implement, and that challenges are being worked on to correct. Contractors can come in to work on the computer set up in the department with staff assistance, and how Council would communicate issues to staff. The other Councilmembers also spoke to being contacted by contractors and applicants regarding the permitting software implementation. Councilman Henshaw spoke to having trust in the staff to handle the workload and concerns.

Mayor Smith stated the first budget hearing is scheduled for the 5:01 pm today.

**6. FIRST READING OF AN ORDINANCE AND SCHEDULING OF PUBLIC HEARING**

- a. **ORDINANCE 21-007 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B. LAND DEVELOPMENT CODE, CHAPTER 78 - GENERAL PROVISIONS; SECTION 78-1 - RULES OF CONSTRUCTION AND DEFINITIONS; AMENDING CHAPTER 126 - ZONING; ARTICLE XIV - SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3. BUILDING AND AREA REQUIREMENTS, SUBDIVISION II, SPECIAL SETBACKS IS HEREBY AMENDED BY ADDING SECTION 126-961 - OUTDOOR DINING SETBACKS; AMENDING ARTICLE XIV - SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5. COMMERCIAL AND INSTITUTIONAL USES GENERALLY BY AMENDING SECTION 126-1031 - BONUS OUTDOOR SEATS FOR DINING; DELETING SECTION 126-1032 - OUTDOOR SEATING FOR CARRYOUT RESTAURANTS IN ITS ENTIRETY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

City Manager Zimomra read into record the title of Ordinance 21-007.

The second reading and public hearing is scheduled for October 5, 2021 at 9:10 am.

**7. CONSENT AGENDA**

Councilman Dr. Crater requested to pull item d.

- d. **RESOLUTION 21-062 ESTABLISHING THE CLASSIFICATION PLAN AND PAY SCHEDULE FOR FISCAL YEAR 2021-2022; ADJUSTING PAY RANGES FOR POLICE OFFICER, POLICE CORPORAL, POLICE SERGEANT, POLICE LIEUTENANT, DEPUTY POLICE CHIEF AND POLICE CHIEF; AUTHORIZING THE CITY MANAGER TO AMEND JOB DESCRIPTIONS AS NECESSARY TO KEEP SUCH DESCRIPTIONS CURRENT; AND PROVIDING AN EFFECTIVE DATE**

Councilman Crater inquired if pay bands would be altered or if just individually and why only relating to police not general employees. Director of Administrative Services, Crystal Mansell, responded that the direction from Council was a 6% increase for sworn officers and if it were Council's desire to adjust additional classifications that could be done.

City Manager Zimomra spoke to pay bands not being subject to collective bargaining and that Council directed staff to raise the sworn officers pay band, which was incorporated in this ratification.

Ms. Zimomra read into record the title of Resolution 21-062.

Public comment:

- Karen Storjohann

Ms. Zimomra read into record the correct title of Resolution 21-062.

Council Member Henshaw moved, seconded by Mayor Smith, to adopt Resolution 21-062. The motion carried.

- a. **RESOLUTION 21-061 ESTABLISHING THE SANIBEL CITY COUNCIL REGULARLY SCHEDULED MEETING DATES FOR THE 2022 CALENDAR YEAR; AND PROVIDING AN EFFECTIVE DATE**
- c. **RESOLUTION 21-063 APPROVING AND ADOPTING THE 2020 LEE COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION ABOUT FLOOD HAZARDS AND FLOOD INSURANCE RATE MAPS; AND PROVIDING AN EFFECTIVE DATE**
- e. **RESOLUTION 21-065 ADOPTING AND ESTABLISHING A REVISED SCHEDULE OF RATES FOR THE SANIBEL SEWER SYSTEM AND PROVIDING FOR A 1.0% INCREASE IN RESIDENTIAL, COMMERCIAL, AND RECLAIMED WATER RATES; AND PROVIDING AN EFFECTIVE DATE.**
- f. **RESOLUTION 21-069 APPROVING BUDGET AMENDMENT 2021-015 AND PROVIDING AN EFFECTIVE DATE** (To update departmental and fund budgets based on the results of the fiscal year 2021 City of Sanibel Full Cost Allocation Plan prepared by Maguire Associates of Virginia, Inc. This amendment increases revenue to the General fund by \$50,662 and revenue to the Ballfield Maintenance fund by \$18,713 (including \$13,215 increase in transfer from general fund). The total amendment increases the fiscal year 2021 budget by \$69,375 (due to transfers between funds and intergovernmental revenue sources))
- i. **Renewal of Entertainment Licenses**
  - i. **RESOLUTION 21-073 DETERMINING THE RENEWAL OF AN ENTERTAINMENT LICENSE AT THE BLUE GIRAFFE RESTAURANT AT BEACHVIEW ESTATES LOCATED AT 1100 PAR VIEW DRIVE; AND PROVIDING AN EFFECTIVE DATE**

No reported activity in violation of license resolution terms from Code Enforcement, Police Department, or Fire Department since original license was granted.
  - ii. **RESOLUTION 21-074 DETERMINING THE RENEWAL OF AN ENTERTAINMENT LICENSE AT FOUR COCONUTS, INC D/B/A 400 RABBITS MEXICAN KITCHEN AND TEQUILARIA LOCATED AT 975 RABBIT ROAD; AND PROVIDING AN EFFECTIVE DATE**

No reported activity in violation of license resolution terms from Code Enforcement, Police Department, or Fire Department since original license was granted.
  - iii. **RESOLUTION 21-075 DETERMINING THE RENEWAL OF AN ENTERTAINMENT LICENSE AT TRADERS SANIBEL LLC**

**D/B/A TRADERS LOCATED AT 1551 PERIWINKLE WAY;  
AND PROVIDING AN EFFECTIVE DATE**

No reported activity in violation of license resolution terms from Code Enforcement, Police Department, or Fire Department since original license was granted.

City Manager Zimomra read into record the titles of Resolutions 21-061, 21-063, 21-065, 21-069, 21-073, 21-074, and 21-075.

**Councilman Miller moved, seconded by Vice Mayor Johnson, to adopt Resolutions 21-061, 21-063, 21-065, 21-069, 21-073, 21-074, and 21-075. The motion carried.**

- b.** Ratification of Council Liaison List as Amended on August 24, 2021
- g.** Approval of an Interagency Agreement between the Office of the State Attorney Twentieth Judicial Circuit and Sanibel Police Department for the Electronic Transmission of Digital Media and Case File Data and authorize Police Chief William Dalton to execute same
- h.** Approve purchase of an ABS 47 HP Lift Station Pump from Mader Electric Motors in the amount of \$33,781.50. This does not increase the adopted FY2021 budget or the draft FY2022 budget.
- j.** Approval of renewal agreement with Employee Assistant Group Employee Assistance Program and authorize the City Manager to execute same
- k.** Motion to approve Third Amendment to Professional Services Agreement between the City of Sanibel and Tetra Tech, Inc.

Approval of non-resolution consent agenda items b, g, h, j, and k.

**Vice Mayor Johnson moved, seconded by Councilmember Henshaw, to approve non-resolution consent agenda items b, g, h, j, and k. The motion carried.**

## **8. OLD BUSINESS**

- a.** Update regarding the City Manager Executive Search (Mayor Smith)

Mayor Smith spoke to the updated scheduled and the discussions with staff for a potential extension to City Manager Zimomra's contract through Saturday, October 30th.

Councilman Henshaw spoke to Ms. Zimomra's original intention to retire being the end of September, highlighting that her decision should be honored. He further spoke to his confidence in Staff, Acting Staff, and how he felt Council should allow Staff to continue during the time it takes to decide on the next City Manager.

Mayor Smith spoke to always being considerate of the wishes of the City Manager, how it was not forced but asked of Ms. Zimomra who was amenable.

City Manager Zimomra spoke to having confidence in staff to carry forward in her absence, how it would be a decision for Council and that she did not feel it was necessary to extend her contract, and highlighted that she had never denied a request from Council during her tenure.

Mayor Smith withdrew the request to extend the contract for the current city manager.

Councilman Miller inquired as to plans for disseminating the City Manager candidate information to the public.

Vice Mayor Johnson spoke to the City Manager contract extension issue, highlighting the need to continue to push forward and that the current City Manager would be difficult to replace. He thanked the City Manager Zimomra for her time and timely discussion of leaving.

Mayor Smith spoke to the materials in the packet being released with the special meeting agenda and the process for Wednesday night's special meeting, highlighting that Colin Baenziger will lead the presentation of candidates.

ii. 'Exit Interview' Discussion with City Manager (Councilmember Miller)

Councilman Miller spoke to the appropriateness for discussing Ms. Zimomra's opinions as it relates to her experience during her tenure with the City. Councilman Henshaw also requested individual exit interviews with the City Manager before her last day. Mayor Smith spoke to the exit interview process and how she typically conducts them in her business after they are no longer employed. Council concurred with the request to have individual exit interviews.

City Manager Zimomra spoke to Sanibel being recognized as one of the best managed cities on various levels, due to quality of staff and promoting from within. She further spoke to the operation studies for the Police Department, Recreation Department, and how the unprecedented number of staff vacancies have affected operations.

Councilmember Miller asked the following exit interview questions:

- Any important unfinished action items

City Manager Zimomra highlighted the importance of embracing the charter, the current challenges with school attendance issues, and retaining a sense of community, not just being a tourist destination. Ms. Zimomra further spoke to her concerns for main-street appearance as an opportunity for small store front renovations coming from grant. She noted the single greatest challenge being how to match charges for services with those who are generating the needs, non-residents driving the need

though the cost falls to the residents. She additionally spoke to how communicating information to the public from many sources has changed and how to break through those many sources, such as social media, to get the message out.

- Future challenges needing attention and what are the greatest threats to the Sanibel vision statement and how should we respond

Ms. Zimomra spoke to the need to continue to protect the brand, vision, and how it is in the best interest to start with control on beaches and short-term rentals, noting that natural environment is at the top of the list and reinforcing the need to protect it. One of the greatest challenges is matching up the charges for services with those generating the needs such as beaches, crime, litter, noise complaints, and realizing that a majority of the cause is from non-residents. Communications are also a challenge and understanding that there are more options for getting the message out as through social media.

- How has the job of City Manager changed

Ms. Zimomra stated that her position has changed greatly due to technology, highlighting the difference in technological advances in responses to hurricane Charlie vs. Irma. She stated that operationally, there are more mission critical positions that are technology based, highlighting that the Police Department Records Retrieval Clerk's duties have changed due to laws and the inclusion of body camera footage. She further discussed the need for additional cross training, spoke to combining half day positions at the Recreation Center with half day shifts at the Center4Life, as well as the need for higher compensation.

- How should we change the operation or organization of staff for greater effectiveness

City Manager Zimomra spoke to her staffing recommendations as previously stated, cross training, and increasing the opportunity for internal promotions. Ms. Zimomra spoke to her staffing recommendation beginning with Director Keith Williams for City Manager, highlighting her opinion concerning what Director Williams can offer.

- Additions to staff

Ms. Zimomra spoke to the need for a full-time Public Information Officer and an Assistant City Manager. She highlighted needs in every department that could be addressed, to fill the vacancies, noting her assessment that the city is now hemorrhaging, and adding that facilities are not providing adequate space and work areas. With regard to improving City Manager and City Council communication, understanding Council personalities, and City Manager and Council alike having a high knowledge of the Charter. Additionally, she advised not to lose momentum, not to compromise, and to back up staff.

City Manager Zimomra gave thanks for the opportunity to serve. Council as a whole

thanked Ms. Zimomra for her service as City Manager.

Vice Mayor Johnson noted that the City Manger's ability to communicate and accommodate different communication styles, preventing Councilmembers from being caught off guard when communicating with the public.

**b. COVID-19 Update**

**i. Discussion on requiring all City employees to be vaccinated against SARS CoV-2**

(Councilman Henshaw)

Councilman Henshaw spoke to the current COVID situation in regard to City Services. He highlighted the benefits of the vaccine like reducing illness, hospitalization, and risk of death. He also spoke about how the Israeli Study and the VAERS Report are being used to misrepresent the efficacy of the COVID vaccine.

Councilman Dr. Crater spoke to Councilman Henshaw's background and qualifications and shared data in relation to COVID-19 issued by the Lee Health System including that a person is 11 times more likely to die if they are unvaccinated. He also mentioned the many Counties, Cities and private companies that are mandating vaccinations.

Councilman Miller inquired as to the collective bargaining unit discussions regarding COVID vaccine mandates and if the information could be shared. City Manager Zimomra spoke to the tentative agreement with American Federation of State, County and Municipal Employees (AFSCME) which included the implementation of the \$500 vaccination incentive and added she will be implementing this incentive to non-union city employees as well. Councilman Miller further inquired if vaccine mandates would be subject to collective bargaining, to which City Attorney Agnew affirmed and detailed the process as it pertains to when the agreements would be made public.

Discussion ensued regarding verification of vaccine status to which the City Manager Zimomra stated that the deadline for the vaccination incentive is October 30th. Mayor Smith spoke to differing levels of vaccine requirement options.

Vice Mayor Johnson concurred with previous statements and spoke to the need to look at more data, and that data is available but not necessarily applicable or verifiable for use. He further spoke to not mandating, but incentivizing, so that the message is clear to get vaccinated, potentially as a condition of employment. He spoke to always relying on the data and successfully interpreting the data for use in decision making. He noted that he would be following the direction of the federal government and watching for changes and updates, and how he believes that leadership holds a high responsibility in this day and age. He further spoke to clear evidence that the vaccine is the right direction, and encouraging others is the best thing



to do.

Mayor Smith spoke to advocating for vaccines, highlighting that the more we know, the more we can advocate, and the challenges presented by those who do not wish to get a vaccine. She spoke to her belief in personal rights, and how she hopes to continue to see progress, and highlighted that next best move for the city and working to protect, in the safest position we can be in.

Councilman Crater spoke to vaccine requirements (other than COVID), listing eleven which are already in place for children enrolled in school and highlighted that while rare to die from Chicken Pox, that vaccine is still required.

Councilman Henshaw spoke to protecting the health and safety for both the citizenry and staff. He offered some possibilities; 1) could continue to encourage staff to get vaccinated and track and incentivize, 2) require weekly testing of unvaccinated 3) require a non-vaccinated person to wear N95 or KN95 masks, 4) require new employees to be vaccinated.

Mayor Smith inquired about those who have had COVID and have the antibodies will be dealt with. Discussion ensued regarding how vaccination after infection cannot happen sooner than 90 days after, measuring antibodies, and requiring new employees to be vaccinated, specifically concerning the logistics for weekly testing.

Current City employee vaccination rates were reported as: 78 voluntarily reported fully vaccinated employees and 6 partially vaccinated employees which constitutes 54% of workforce, 48 voluntarily reported non-vaccinated employees, and 38 employees who have not responded.

Since January 1, 2021, 103 employees have tested, 13 of which tested positive (approximately 12.6%), 1 was a re-infection of a fully vaccinated person, and 1 was a re-infection of an unvaccinated person, and 1 person was on leave for 6 months.

Further discussion ensued regarding handling a new hire who test positive, needing leave beyond their allotted balance, and the administrative challenge in administering COVID testing weekly. Discussion highlighted how a mandatory vaccination would lower the applicant pool by 25%-50% based on workforce rates. Inquiry was made whether requiring vaccination of new hires was subject to the collection bargaining agreement, which Attorney Agnew stated no.

Dr. Crater spoke to the logistics of weekly testing, using a virtual facilitator to assist with testing, and taking the burden off City staff.

Vice Mayor Johnson spoke to the information to come from OSHA which could

change the decisions made today and inquired as to the leanings of the other council members. Mayor Smith spoke her propensity towards supporting verified tracking and requiring certain types of masks. Mandatory vaccines for new hires and staff was discussed relative to staffing needs, incentives, and proof of vaccination.

Further discussion ensued regarding the 38 non-responsive employees, requirement for new hires to be vaccinated, and mask requirements of unvaccinated vs. vaccinated. Dr. Crater spoke to the current CDC guidelines, and wanting to hear more from City Staff, and seeing the developments from the regional area.

Dir. Williams spoke to the City's low supply of KN-95 masks for City Employees, and how he would need to check current inventory before procurement.

Public Comment:

- Roger Grogman
- Karen Storjohann

Councilman Henshaw concurred with Ms. Storjohann's comments, how the standards are different in Sanibel, and the motion on the floor is a step forward and could be brought up in the next meeting.

Mayor Smith spoke to keeping an open mind as to further developments of the Pandemic.

Vice Mayor Johnson shared that if there were significant changes that a special meeting to discuss topics could be called.

**Councilman Henshaw moved, seconded by Vice Mayor Johnson to continue to encourage vaccines; to extent possible, verify and track vaccination status, offer incentives for employee vaccinations, and require those not vaccinated use a N-95 or KN-95 mask. The motion carried.**

The meeting recessed at 12:14 p.m.

The meeting reconvened at 12:33 p.m.

**c. Water Quality Issues**

**i. Reports from Acting Director Dettmar**

Acting Natural Resources Director Dettmar gave the water quality report;

Lake Okeechobee water levels, sub-band flows, target flows, inflows, outflows. Flows to the Caloosahatchee Estuary were at 2195 with no flow coming from Lake Okeechobee, which is a return to optimal range. Flows to the St. Lucie Estuary were at 270 due to water shed runoff. Rainfall in the district 23.65 inches of rain, slightly below normal, SWFL coastal region is 1 inch above normal, 3-month outlook made august above normal rainfall. El nino, la nina will be emerging through winter. Red tide was reported on Sept 10th as a patchy bloom on Gulf Coast, and a Red Tide health

alert was issued at Cayo Costa and Gasparilla State Park. Fishkills and respiratory irritation suspected to be related to Red Tide were also reported. Crow received 10 patients with Brevetoxicosis. Blue Green Algae was reported as low to moderate on 20% of Lake Okeechobee, of the 38 samples collected, 16% showed dominate Microcystis.

Vice Mayor Johnson thanked Acting Director Dettmar for her report and staying on top of the subject. He further inquired about any concerns that Council should be paying particular attention to. Acting Director Dettmar answered generally no, but noted that if red tide continues, it could be an issue. Discussion ensued as to how some businesses to the North of Sanibel have been forced to close due to the high levels of Red Tide cells. Acting Director Dettmar clarified differences between floating mats of algae and those that are harmful algal blooms.

- ii. Letter from Mayor Smith to Vice Mayor Matheson of the City of Stuart dated \_\_\_\_\_, 2021  
(Information to come)

Mayor Smith spoke to the letter received from City of Stuart Vice Mayor Matheson in support of the CC plan and stated that she, with the assistance of Natural Resources Director Holly Milbrandt, would be responding. She noted the Lake Okeechobee System Operating Manual (LOSOM) upcoming meeting and spoke to new District Commander, Colonel James Booth, replacing Colonel Kelly.

Vice Mayor Johnson noted that from the South Florida Water Management District (SFWMD) meetings, one of the projects came in 6 months early, a 6-mile stretch of roadbed from US-41 allowing sheet flow where it was previously hindered, a water cleansing feature north of the lake, and a pump station is now functional. He noted projects are being completed and the advantages it has for our area.

Councilman Miller spoke to the lawsuit filed by US Sugar, in reference to the savings clause, and his concern for the EAA reservoir. Discussion ensued regarding this concern and how the Army Corp is handling the whole body. Further discussion ensued as to LOSOM being looked at different than before and putting a better foot forward in hearing from the whole.

**d. Discussion and consideration of Special Events**

- i. Request from the Historical Museum and Village, Inc., 950 Dunlop Road, to Serve Alcohol on City grounds on December 2, 2021

Mayor Smith introduced the item.

City Manager Zimomra spoke to the history of the process and policies for Special Events. She highlighted how the Pandemic has changed these. She further spoke to the code requirement of alcohol on City grounds be approved by City Council, and

that they are consistent with process and policies of City Council and City Hall. This process remains fluid as things change, and rules become relevant to events that procedures could be updated in relation to the applicants permit, even if previously approved.

**Vice Mayor Johnson moved, seconded by Mayor Smith, to move item d(iv) up on the agenda. The motion carried.**

- iv. Request from the Sanibel Captiva Chamber of Commerce for the 35th Luminary Holiday Stroll on December 3, 2021

Sanibel Captiva Chamber of Commerce CEO, John Lai, spoke to having multiple plans in place to ensure opportunity to shift if needed and how obtaining a permit was step one. He highlighted their willingness to be flexible as issues arise and become relevant. They will be requiring masks indoors and anywhere that does not allow for social distancing outside.

Mayor Smith thanked Mr. Lai for his active participation in the "SanCap Safe" program and how he keeps the COVID-19 pandemic in the forefront of his choices.

**Councilmember Miller moved, seconded by Councilmember Henshaw, to approve the luminary special event permit. The motion carried.**

- ii. Request from the Military Officers Association of America (MOAA) to waive the Special Event fees associated with the Veterans Day Ceremony held at Sanibel City Hall Flagpole at 800 Dunlop Road, on November 11, 2021 (grandfathered event)

City Manager Zimomra spoke to the history of the Veteran's Day Celebration, highlighting that it is a grandfathered event and noted the City is an underwriter of the event. Discussion ensued regarding the need for masks and social distancing and the application submitted included proposed protocols. As the City does the set up for the event, staff has been directed to distance and space the seating.

**Vice Mayor Johnson moved, seconded by Mayor Smith to approve the Veteran's Day Ceremony special event permit and to waive the special event fees. The motion carried.**

**d. Discussion and consideration of Special Events**

- i. Request from the Historical Museum and Village, Inc., 950 Dunlop Road, to Serve Alcohol on City grounds on December 2, 2021

Discussion ensued regarding this being held as a Ribbon Cutting event for the new pavilion. Masks will be required, as well as hand sanitizing, and limiting the number of people within each building. Further discussion ensued regarding the application being needed due to desire to serve small amounts of beer and wine.

**Vice Mayor Johnson moved, seconded by Mayor Smith to approve the Historical Museum and Village, Inc., special event permit. The motion carried.**

- iii. Request from the Lion's Club to sell Christmas trees in the Bailey Shopping Center

located at 2477 Periwinkle Way

City Manager Zimomra gave a brief history of the item, noting last year was successful with zero issues.

**Councilmember Miller moved, seconded by Councilmember Henshaw, to approve the Lion's Club special event permit. The motion carried.**

- v. Update from Friends In Service Here (F.I.S.H.) for Annual FISH 10K on October 23, 2021**(NOTICE THAT EVENT WILL BE EXCLUSIVELY VIRTUAL)**

City Manager Zimomra stated this has been changed to a 100% virtual event consistent with last year's events. She further noted that the fee for the application would be returned to the organization.

e. Facilities Update

- i. Approve a Professional Services Agreement for Architectural Engineering Services with Amy Nowacki Architect, LLC and authorize the City Manager to execute same

Director of Community Services, Keith Williams, spoke to the selection of the Architect for the project and the scope would be an additional discussion in the future, this was solely to approve working with the selected Architect.

Councilmember Miller inquired about when the discussion of scope could occur, as well as what the scope discussion would entail. Director Williams clarified that using the previously executed study provided by the Architect could be a place to start but did not exclude other topics of discussion to approve the scope.

**Councilmember Miller moved, seconded by Councilmember Henshaw to approve the contract as proposed. The motion carried.**

- f. Discussion and Direction to staff regarding client billing fees for police personnel on special details

Chief of Police, William Dalton, spoke to the fees not being updated in the last 14 years, noting that the proposed increase would not be highest nor the lowest in the County.

City Attorney Agnew gave a brief description of the process for amending the fees, whether a flat fee or calculating cost per hour, speaking to approving by Resolution or policy versus the need for an Ordinance.

Council inquired if an ordinance would be more encompassing. City Attorney Agnew responded that an ordinance would provide flexibility. Council could either change policy, and inquiry was made into how a code change could be an easier way for staff use, where a policy change would be easier to carry out, but less enforceable.

Vice Mayor Johnson spoke to actual costs to perform the services being reasonable.

He inquired about not charging for the Sergeant's time. Chief Dalton answered that there are few events that require a sergeant and are typically for non-profit entities. Chief Dalton clarified the role a sergeant might be required to fill based on the special event application approval process. Further discussion ensued regarding the Chief's role in approval of special events and choosing how many officers are needed.

**Councilmember Dr. Crater moved, seconded by Mayor Smith, to allow the City Attorney to bring back to the next meeting a draft ordinance regarding client billing fees for police personnel on special details. The motion carried.**

**Opposed:** 1 - Councilman Henshaw

**g. Discussion and Direction to Staff Regarding a Draft ORDINANCE for NATURAL RESOURCES DEPARTMENT FEES**

Acting Natural Resources Director Dettmar gave a brief overview of the item and the process for departmental vegetation permit and inspections. She spoke to the request for re-inspections fee to reflect the amount of staff time used and to incentivize property owners and contractors to comply in a timely manner. She stated the request was for a \$125 re-inspection fee. Discussion ensued regarding the development permit re-inspection versus the vegetation permit re-inspection fee.

Discussion ensued regarding the figure, and how it was drafted. Acting Director Dettmar noted the comparable data with other permit fees noting \$215 for a development permit, re-inspection fee is supported by staff and this would be an additional fee.

**Councilmember Dr. Crater moved, seconded by Vice Mayor Johnson, to bring back a draft ordinance at the next meeting. The motion carried.**

**h. Discussion and Direction to Staff Regarding a Draft ORDINANCE for CREDIT CARD CONVENIENCE FEES**

Director of Finance, Steve Chaipel gave a brief update on the City's Credit Card processing usage and how billing occurs on a monthly basis.

Discussion ensued regarding the fees, how additional fees fall on the user, 3% on top of beach parking, and noting the desire to be consistent across all revenue streams.

Director Chaipel spoke to the convenience fee, noting alternative payment options are available. Discussion ensued regarding how processors handle all credit card companies, and staff work with the companies to determine the cost for all processors and then offset their individual fees.

Vice Mayor Johnson asked Director Chaipel to come back with a figure that most effectively passes the fee cost to the user.

City Attorney Agnew inquired as to whether Council would like the draft to come

back with the number as a draft or as part of the first reading.

Public Comment:

- Roger Grogman

**Council Member Miller moved, seconded by Council Member Henshaw, to bring back a draft ordinance at the next meeting. The motion carried.**

- i. Update on Draft Partnership Agreement for Water Quality Improvement of Heron's Landing Lake (Councilmember Henshaw)

City Attorney Agnew gave a brief history of the item, and the work with residents of Heron's Landing. Councilman Henshaw and Natural Resources Director Milbrandt will draft a partnership agreement in regard to the Lake. Mr. Agnew spoke to receiving letters from the Home Owner's Association (HOA) and has also received a request to have an agreement with nine property owners around the lake, not the HOA. Discussion ensued regarding the difficulties with organizing the nine owners versus the HOA. He highlighted that the attached is a draft and there are still edits coming from the residents of Herons Landing. May require sitting down with residents and tabling until next meeting.

- j. Approval of ranking of firms for Compensation, Classification and Benefits Survey and authorize the City Manager or her designee to begin contract negotiations

Director of Administrative Services, Crystal Mansell, spoke to the approval of an RFP for a full compensation and benefits study having received 6 responses. A staff committee of Director Mansell, Director Chaipel and Deputy Chief Thompson ranked Management Advisory Group International, LLC (MAG Consultants) as number one. She noted the proposal was not the least nor the most in cost but did receive the greatest number of points.

Discussion ensued regarding the scope of work encompassing the needs and wants of council, as to whether this proposal was subject to Consultants Competitive Negotiations Act (CCNA). Director Mansell noted that City Staff requested the cost upfront. Director Williams clarified that the CCNA for Florida only applies to Engineering and Architectural projects.

**Council Member Miller moved, seconded by Mayor Smith, to authorize staff to negotiate a contract based on the proposal submitted. The motion carried.**

The meeting recessed at 2:05 p.m.

The meeting reconvened at 2:15 p.m.

## 9. NEW BUSINESS

- a. Legislative Priorities (Mayor Smith)

Mayor Smith spoke to meeting with Natural Resources Director Milibrandt, Lobbyist

Dan Delisi, and Community Services Director Keith Williams. She noted they are working on revisions from last year's packet and have prioritized five requests before the Legislative Delegation meeting. One request is \$100,000 for an engineering feasibility study for Sanibel Slough Dredging as a water quality project, which is estimated to cost over \$500,000. Another request is \$400,000-\$450,000 to look at Wulfert reclaimed water tank issues.

Discussion ensued regarding estimated costs of \$900,000-\$950,000 for the entire Wulfert project. Lobbyist Delisi is reaching out to the legislative side. She gave specific attention to the issue of home rule.

Mayor Smith noted the information disseminated regarding the Tetra Tech septic to sewer conversion, estimated at \$41,000-\$42,000. She highlighted the prompt timing to move it forward to the County and has been staying in communication with Chair Ruane.

Inquiry was made into using ARPA funds to which Director Williams noted the project is budgeted through sewer fees, showing a match with your own funds makes for a more successful approval of a request.

## **10. COMMITTEES BOARDS COMMISSION**

### **a. RESOLUTION 21-072 RATIFYING AN ADMINISTRATIVE POLICY OF PROCEDURES AND DEADLINES RELATED TO LONG FORM INTAKE PERMIT APPLICATIONS PRIOR TO ANY PUBLIC HEARING TO BE HELD BEFORE THE PLANNING COMMISSION; AND PROVIDING AN EFFECTIVE DATE**

City Manager read into the record title of Resolution 21-072.

Mayor Smith gave a brief history of the item. Community Services Director Williams stated that this resolution was discussed at a prior Council meeting. Councilman Miller spoke to the forms of omission. Discussion ensued regarding allotment of time to address. Specific attention was given to the long form application with a small acknowledgement of a sufficient application. Director Williams highlighted that the purpose is to have submissions in time to draft staff reports for the Commission meetings.

Discussion ensued regarding concerns for application sufficiency. A hypothetical situation was presented; if after the application is reviewed, and a new document is required, does the process resume from the beginning, thus causing the permit to be delayed to another meeting. Director Williams highlighted that administrative processing does override situations like the above, as opposed to substantial changes that would require additional review and documentation. Director Williams stated that this would be a tool for the staff to better improve the three parties involved, the



commission, staff, and applicant.

**Council Member Miller moved, seconded by Council Member Dr. Crater to adopt Resolution 21-072. The motion carried.**

## **11. CITY MANAGER**

City Manager Zimomra inquired about the special event approval process, clarifying only new events would come before Council for approval to which Council concurred.

### **a. Informational Items**

#### **i. Status Report on the Donax Rehabilitation Project**

Director Williams gave a status report for the Donax Treatment Plant, highlighting that raw sewage is currently running thorough the treatment process. Results are good, currently when we flush it is all being done through the new plant. Plant 3 has been decommissioned, which will allow renovations to start with the eventual goal of both plants in operation. Plant 2 is estimated to be online near October or November. Given the significant list of testing, it is anticipated that both plants will be running by season.

Discussion ensued regarding favorable goals for the quality of the effluent water and there being no new change orders.

#### **ii. Sanibel Causeway Traffic Counts for July 2021 and Calendar & Fiscal Year 2021**

#### **iii. City of Sanibel Recreation Department Comprehensive Assessment, Analysis, Evaluation Study Request for Proposal issued by the City of Sanibel for Parks & Recreation Operations Master Planning**

#### **iv. For Distribution - background material for Police Facility Improvements**

City Manager Zimomra spoke to scheduling a special meeting to discuss the Police Facility Improvements, noting that she recommends including the Fire Chief in discussions.

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

No further report.

## **13. COUNCIL MEMBER'S REPORT**

### **a. Attendance at the Tiger Bay Club Luncheon with Representative Spencer Roach on August 25, 2021 (Mayor Smith and Councilmember Henshaw)**

### **b. Virtual Attendance in the LOSOM PDT Meeting on August 25, 2021 (Mayor Smith)**

- c. Attendance at the E-Awards Awards Ceremony on August 26, 2021 (Mayor Smith)
- d. Virtual Attendance in the Big Cypress Basin Board Meeting on August 26, 2021 (Mayor Smith)
- e. Attendance at the Causeway Island Park Improvements Public Meeting on August 26, 2021 (Mayor Smith, Councilmember Miller)
- f. Attendance at the Horizon General Membership Meeting on August 27, 2021 (Mayor Smith)
- g. Virtual Attendance in the Renewable Energy Working Group Meeting on August 27, 2021 (Vice Mayor Johnson)
- h. Attendance at the Recreation Financial Assistance Committee Meeting on August 30, 2021 (Councilmember Miller)
- i. Attendance at the Historical Preservation Committee Meeting on September 2, 2021 (Vice Mayor Johnson)
- j. Attendance at the Metropolitan Planning Organization (MPO) Executive Committee (MEC) Meeting on September 8, 2021 (Vice Mayor Johnson)
- k. Attendance at the Florida Governor's Conference on Tourism as a TDC Member September 8-9, 2021 (Mayor Smith)
- l. Virtual Attendance in the South Florida Water Management District (SFWMD) Governing Board Meeting on September 9, 2021 (Vice Mayor Johnson, Councilmember Henshaw, Councilmember Miller)
- m. Virtual Attendance in the South Florida Water Management District (SFWMD) Millage and Budget Public Hearing on September 9, 2021 (Vice Mayor Johnson)
- n. Attendance at the Horizon Executive Committee Meeting on September 10, 2021 (Mayor Smith)

Vice Mayor Johnson spoke to attendance at the Delegation meeting on August 18, 2021, noting there was an inquiry about an item that the Metropolitan Planning Organization (MPO) representative would address. The inquiry from Fred Forbes was regarding blue star highway designation. Direction was given to formulate a letter that could be sent to the delegation chair apologizing for the lack of representation, and how the MPO would like to address the item.

Councilman Henshaw spoke to proposing renaming the City of Sanibel Employee Dependent Scholarship fund to be Judie Zimomra Employee Dependent Scholarship Fund. Discussion ensued regarding the controlling body of the name, and the process for renaming.

Mayor Smith highlighted the need for more information regarding the process.

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

There were no public comments from the audience.

#### **15. ADJOURNMENT**

There being no further business the meeting adjourned at 2:50 p.m.