



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final City Council

Tuesday, May 4, 2021

9:00 AM

City Hall

PLEASE NOTE THAT THE CITY COUNCIL AGENDA IS SUBJECT TO CHANGE.

**A COPY OF THE AGENDA PACKET IS AVAILABLE ON THE CITY'S WEBSITE AT
WWW.MYSANIBEL.COM**

“The Rules of Civility for Public Participation” as adopted by City Council can be found on the last page of this agenda. Reminder: Please turn all cell phones on to vibrate while in MacKenzie Hall.

ANYONE WISHING TO MAKE A PUBLIC COMMENT IN ADVANCE REGARDING THE MEETING IS ASKED TO PLEASE EMAIL THE CITY CLERK AT SCOTTY.KELLY@MYSANIBEL.COM BY 5:00 P.M. MAY 3, 2021. COMMENTS RECEIVED BY THAT TIME WILL BE POSTED TO THE AGENDA FOR CITY COUNCIL'S REVIEW IN ADVANCE OF THE MEETING. ALL PUBLIC COMMENTS SUBMITTED TO COUNCIL IN ADVANCE OF THE MEETING WILL BE POSTED ON THE AGENDA FOR THE RECORD. EMAILS WILL NOT BE READ INTO THE RECORD. ADDITIONALLY, ANYONE WISHING TO MAKE PUBLIC COMMENT IN PERSON MAY DO SO, SUBJECT TO A 3 MINUTE MAXIMUM SPEAKING TIME PER PERSON, PER AGENDA ITEM.

TO LISTEN TO THE CITY COUNCIL MEETING GO TO WWW.MYSANIBEL.COM. CLICK “AGENDAS AND MINUTES” IN THE BLUE RIBBON, THEN CLICK ON THE RED “CLICK HERE”; WHEN PAGE OPENS LOOK AT LEFT-TOP SIDE FOR DROP-DOWN ARROW TO CHOOSE 2021 AND IN THE NEXT DROP-DOWN ARROW BOX CHOOSE CITY COUNCIL. THEN LOCATE MAY 4, 2021 AT 9:00 A.M. CLICK ON “MEETING IN PROGRESS”

- 1. CALL TO ORDER**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilmember Dr. Crater)**
- 3. ROLL CALL**
- 4. PLANNING COMMISSION REPORT (Commissioner DeBruce)**

5. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

(Maximum time allotted, 20 minutes, with a limitation of 3 minutes per speaker.)

6. COUNCIL COMMENTS

7. CONSENT AGENDA

ANY PERSON MAY REQUEST THAT COUNCIL REMOVE AN ITEM FROM THE CONSENT AGENDA FOR DISCUSSION BY NOTIFYING THE CITY MANAGER, CITY CLERK, OR A COUNCIL MEMBER PRIOR TO THE MEETING.

- a. Adoption of Minutes - April 6, 2021 **(Information to come)**
- b. Approve Haley Ward, Inc. to perform the subject services (Civil Engineering, Surveying & Mapping Professional Services) for the next five years and authorize the City Manager to execute the agreement

Attachments: [Staff Memorandum](#)
 [Haley Ward Professional Services Agreement](#)
- c. Approve Cardno, Inc. to perform the subject services (Civil Engineering, Surveying & Mapping Professional Services) for the next five years and authorize the City Manager to execute the agreement.

Attachments: [Staff Memorandum](#)
 [Cardno, Inc. Professional Services Agreement](#)
- d. Approve Johnson Engineering, Inc. to perform the subject services (Professional Services in Conjunction with the City's National Pollutant Discharge Elimination System (NPDES) and Stormwater Systems) for the next five years and authorize the City Manager to execute the agreement

Attachments: [Staff Memorandum](#)
 [Johnson Professional Services Agreement](#)
- e. Award 2021 Street Resurfacing contract to Community Asphalt Corp. in the amount of \$547,000 and authorize the City Manager to execute the contract. This does not increase the adopted FY2021 budget

Attachments: [Staff Memorandum](#)
 [Community Asphalt Corporation Specimen Form of Contract](#)
 [Bid Tabulation](#)
 [Location Map](#)
- f. Approval of a proposal from CliftonLarsonAllen LLP for consulting services related to the City's required adoption of Governmental Accounting Standards Board (GASB) Statement No. 87 - Leases and authorize City Manager to execute same. Funding for this engagement is included in the fiscal year 2021 budget.

Attachments: [CliftonLarsonAllen LLP Consulting Services Engagement Letter](#)

- g. RESOLUTION 21-040 APPROVING BUDGET AMENDMENT 2021-011 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$29,085 to fund the Aquatics Manager position in the Recreation Center for the remainder of fiscal year 2021. The funds for this amendment are being appropriated from the Recreation Fund ending fund balance. This amendment does not increase the fiscal year 2021 budget.)

Attachments: [Resolution 21-040](#)

- h.** Approval of the extension of an agreement between the City of Sanibel and Granicus, Inc. (City's agenda management system) to provide technical support for three (3) years with a cost of \$32,504.40 and authorize City Manager to execute same (This agreement extension does not increase the fiscal year 2021 budget)

Attachments: [Master Subscription Agreement](#)

- i.** Ratification of Council Liaison Lists

Attachments: [City Boards, Committees & Commission](#)
[Local and Regional Organizations](#)
[National, State, and Local Leagues and Conferences](#)

- j.** Ratification of the emergency approval of a Memorandum of Understanding between Sanibel Police Department and Lee County Sheriff's Office [City Councilmembers have individually reviewed the MOU, which details information revealing law enforcement surveillance techniques, procedures or personnel and is exempt from public inspection pursuant to Section 119.071(2)(d), Florida Statutes]

- k.** Approval to fill a Full Time Police Aide position that was unfunded for fiscal year 2020-2021 (Funds are available in the Police Department budget to support this request without a budget amendment)

Attachments: [Staff Memorandum](#)

- l.** Ratification of the Liaison Position Description

Attachments: [Liaison Position Description](#)

- m.** Approval of a proposal from Gravina, Smith, Matte & Arnold to update the existing traffic and cycling video communications in the amount of \$12,750 (This proposal does not increase the fiscal year 2021 budget)

Attachments: [Gravina Smith Matte Proposal](#)

- n.** Request From Property Owner at 719 Periwinkle Way for Sewer Service Refund

Attachments: [Staff Memorandum](#)

- o. RESOLUTION 21-046 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS CAPITAL ASSETS; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 21-046](#)

- p.** Approval of a Memorandum of Understanding between Lee County Department of Public Safety and Sanibel Police Department for use of the Hexagon On Call Dispatch CAD/MOBILE and

Records Management System (Review of contract being done by Attorney Agnew) (Information to come)

- q. Approval of a request by Sanibel Captiva Conservation Foundation (SCCF) for a 30 day extension to place temporary signage, bollards and yellow ropes along the Periwinkle Way frontage (1881 and 1905 Periwinkle Way; contiguous parcels) within the right-of-way on the south side of the shared use path to delineate the property boundaries for fundraising purposes (Previous request for 60 days was approved by City Council on March 2, 2021)

Attachments: [Email Request](#)

- r. Approval of a letter of support for the Cape Coral Police Department, City of Fort Myers Police Department and Lee County Human and Veteran Services for a grant (Edward Byrne Memorial Justice Assistance Grant) in the total amount of \$162,684 to be executed by the Mayor (There is no budget impact)

Attachments: [Letter of Support](#)

8. OLD BUSINESS

- a. COVID-19 Update (Mayor Smith)
- i. Report from Mayor Smith
- b. Facilities Update
- i. Center4Life
 - ii. Police Department Modernization Project
 - iii. Recreation Center
 1. Ventilation System Update

Attachments: [United Mechanical Proposal](#)

- c. Recreation Center Staffing
- i. Aquatics Program Manager
 1. Status Report - ii. Seniors Program Manager
 1. Approval to proceed
 2. Expedited Recruitment Actions

Attachments: [Expedited Recruitment Actions](#)

- d. Water Quality Issues
- i. Reports from Director Milbrandt
 - ii. Update and Status Report on Phase IV Sanitary Sewer Project (Information to come)
 1. Current Status
 2. Timeline
 3. Funding
 4. Next Steps
 5. Open Issues

- e. Legislative Session Update and Status Report
 - i. Mayor Smith
 - ii. Legislative Session Update and Status Report Attached (Paige LeBoutillier) (Information to come)

f. RESOLUTION 21-047 DETERMINING THE REQUEST FOR AN ENTERTAINMENT LICENSE AT THE JAC ISLAND BAR AND GRILLE, LLC D/B/A THE TIPSY TURTLE RESTAURANT AND BAR LOCATED AT 1223 PERIWINKLE WAY; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Resolution 21-047](#)
 [Code Enforcement](#)
 [Police Reports](#)
 [Administrative Report \(BTR\)](#)

- g. Discussion regarding Leaf Blowers
- h. Discussion regarding outdoor dining (Councilman Henshaw)

9. 11:30 A.M. CONVENE AN EXECUTIVE SESSION RELATING TO UNION NEGOTIATIONS

- a. In attendance shall be only the following persons:
 - Mayor Holly D. Smith
 - Vice Mayor Richard Johnson
 - Councilmember Dr. Scott Crater
 - Councilmember John Henshaw
 - Councilmember Mike Miller
 - Sanibel City Manager Judie Zimomra
 - Sanibel City Attorney John Agnew
 - Steve Chaipel, Finance Director
 - William “Bill” Dalton, Police Chief
 - Keith Williams, Community Services Director
 - Crystal Mansell, Human Resources Generalist
 - Jim Isom, Administrative Services Director
 - Wayne Helsby, Labor Counsel (Allen, Norton & Blue) (Participating remotely)

10. COMMITTEES BOARDS COMMISSION

- a. Acceptance of the 2019 and 2020 Annual Reports
 - i. Historical Preservation Committee
 - ii. Recreation Financial Assistance Committee
 - iii. Vegetation Committee

Attachments: [Historical Preservation Committee 2019 Annual Report](#)
 [Recreation Financial Assistance Annual Report 2020](#)
 [Vegetation Committee 2019 Annual Report](#)

- b. RESOLUTION 21-034 APPOINTING MEMBERS TO THE SANIBEL HISTORICAL PRESERVATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE** (Minimum of five (5) but not more than ten (10) members, a quorum shall consist of three (3) members) (Applicants listed in order received)

Attachments: [Resolution 21-034](#)
[Adams, Leslie - Reappointment Application](#)
[Hill, Yvonne - Reappointment Application](#)
[Goodwin, James Clivie - Reappointment Application](#)
[Fortney, Sheila - Reappointment Application](#)
[Clarke, Diane - Application](#)
[Thompson, Troy - Application](#)
[Gleason, Deborah - Reappointment Application](#)
[Curran, Peter - Application](#)
[Historical Preservation Committee Authorizing Legislation](#)

- c. RESOLUTION 21-035 APPOINTING MEMBERS TO THE SANIBEL RECREATION FINANCIAL ASSISTANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE** (Up to seven (7) members, a quorum shall consist of four (4) members) (Applicants listed in order received)

Attachments: [Resolution 21-035](#)
[Drobnyk, Tim - Application](#)
[Tighe, Alicia - Application](#)
[McCurry, Richard - Reappointment Application](#)
[Roth, Barry - Reappointment Application](#)
[Bell, Gabriela - Reappointment Application](#)
[Decker-McHale, Nicole - Application](#)
[Gould, Lewis - Application](#)
[Recreation Financial Assistance Committee Authorizing Legislation](#)

- d. RESOLUTION 21-036 APPOINTING MEMBERS TO THE SANIBEL VEGETATION COMMITTEE; AND PROVIDING AN EFFECTIVE DATE** (Five (5) or more members, majority of members shall constitute a quorum) (Applicants listed in order received)

Attachments: [Resolution 21-036](#)
[Marks, Phillip - Reappointment Application](#)
[Miller, Pamela - Reappointment Application](#)
[Holden, Edward - Reappointment Application](#)
[Horvath, Barbara - Reappointment Application](#)
[Brooks, Ruth - Reappointment Application](#)
[Gresham, Phyllis - Reappointment Application](#)
[Maughan, Jennifer - Reappointment Application](#)
[Vegetation Committee Authorizing Legislation](#)

- e. **RESOLUTION 21-045 APPOINTING A MEMBER TO LEE COUNTY METROPOLITAN PLANNING ORGANIZATION (MPO) CITIZEN ADVISORY COMMITTEE (CAC); AND PROVIDING AN EFFECTIVE DATE**
(Applicants listed in order received)

Attachments: [Resolution 21-045](#)
[Gould, Lewis - Application](#)

- f. Planning Commission's review of Land Development Code sections regarding formula retail
- i. **PLANNING COMMISSION RESOLUTION 21-08 FORWARDING AND RECOMMENDING THAT CITY COUNCIL APPROVE AN ORDINANCE AMENDING THE CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 78 GENERAL PROVISIONS, SECTION 78-1 - RULES OF CONSTRUCTION AND DEFINITIONS**

Attachments: [Planning Commission Resolution 21-08](#)

- ii. Planning Commission motion to seek authorization from City Council to review and discuss potential further revisions to the Land Development Code relating to formula retail stores

11. CITY MANAGER

- a. Informational Items
- i. Bicycle and Pedestrian Accidents on Shared Use Path Report

Attachments: [Staff Report](#)

- ii. Sanibel Causeway Traffic Counts for March 2021 and Calendar & Fiscal Year 2021

Attachments: [Staff Memorandum](#)

- iii. Historical Museum & Village, Inc. - Quarterly Report

Attachments: [Quarterly Report](#)

- iv. Status of Special Events
1. Independence Day Parade

Attachments: [Status Update Email](#)

2. Events After October 1, 2021

Attachments: [Special Events Status](#)

- v. Household Waste Disposal - June 2, 2021

12. CITY ATTORNEY'S REPORT

13. COUNCIL MEMBER'S REPORT

- a. Attendance at the Tourist Development Council April 8, 2021 meeting and April 22, 2021 workshop (Mayor Smith)
- Attachments: [Agenda Packet](#)
- b. Virtual attendance in the two-part Lake Okeechobee System Operating Manual (LOSOM) Project Delivery Team Technical Workshop - April 12 and 16, 2021
- c. Virtual attendance in the Island Water Association Annual Membership Meeting - April 12, 2021
- d. Attendance at the Planning Commission Meetings - April 13, 2021 and April 27, 2021 (Mayor Smith)
- e. Virtual attendance in the Sanibel Captiva Chamber of Commerce April Luncheon with speaker Jesse Lavender, Lee County Director of Parks & Recreation - April 14, 2021
- f. Attendance at the Southwest Florida League of Cities (SWFLC) Special meeting for Voting Members - April 15, 2021 (Mayor Smith)
- g. Virtual Attendance at the South Florida Water Management District (SFWMD) C-43 Water Quality Component Public Meeting - April 15, 2021
- h. Attendance at the Historical Museum and Village Board Meeting - April 22, 2021 (Vice Mayor Johnson)
- i. Virtual Attendance at the South Florida Water Management District (SFWMD) Big Cypress Basin Board Meeting - April 22, 2021
- j. Discussion regarding the City of Sanibel Employee Dependent Scholarship Program (Councilmember Henshaw)
- k. Report from the Recreation Financial Assistance Committee meeting of April 26, 2021 (Councilmember Miller)

14. PUBLIC COMMENT

15. ADJOURNMENT

IF A PERSON DECIDES, TO APPEAL A DECISION MADE BY THE COUNCIL ON ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING, TO INCLUDE HEARING IMPAIRMENT, SHOULD CONTACT SCOTTY LYNN KELLY, CITY CLERK, NO LATER THAN ONE DAY PRIOR TO THE PROCEEDINGS AT (239) 472-3700. FOR ADDITIONAL ASSISTANCE IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE AT 711.

Citizens may request to receive Sanibel City Council and Planning Commission meeting agenda directly via e-mail. Citizens wishing to receive a copy of the agenda via e-mail may do so by visiting the City's website at www.mysanibel.com. Additionally, citizens may register to receive City announcements such as press releases.

Prior to requesting the agendas, the website reminds citizens that all e-mail addresses and requests submitted to the City are public information and governed by the applicable Florida Statute.

HORIZON – UPCOMING IMPORTANT DATES

Upcoming Important Dates

Attachments: [Horizon Calendar](#)

“RULES OF CIVILITY FOR PUBLIC PARTICIPATION”

In recognition that public discourse is essential to the democratic system of government on April 16, 2002, Sanibel City Council adopted a Proclamation embracing civility in public deliberations. These rules were updated February 22, 2007.

Therefore, Sanibel City Council sanctioned these rules for public participation while conducting meetings and workshops:

1. Speakers are permitted to deliver his or her comments without interruption.
2. Speakers and debates should focus on issues, not on persons or personalities.
3. Persons are encouraged to participate in the governmental process.
4. To allow time to hear all points of view, speakers are allotted 3 minutes each time they are recognized.
5. Sidebar discussions while others are speaking are not permitted in Council Chambers. These discussions are to be removed from the chamber so as not to be disruptive to those conducting and following Council business.
6. Only the speaker recognized by the Chairperson has the floor. Speakers should raise their hand to be recognized. Speakers should identify themselves for the record. Speakers should utilize the microphone so that their comments can be recorded.
7. Anyone wishing to speak on an issue is given an opportunity to speak before speakers are recognized for an opportunity to speak a second time on an issue.
8. We seek to understand one another's points of view.
9. Anger, rudeness, ridicule, impatience and lack of respect for others are not acceptable behavior. Demonstrations in support or opposition to a speaker or idea such as clapping, cheering, booing or hissing or intimidating body language are not permitted in Council Chambers or workshop facilities.
10. We should all take initiative to make things better. Our goal is to foster an environment, which encourages a fair discussion and exchange of ideas without fear of personal attacks.