



# City of Sanibel

800 Dunlop Road  
Sanibel, FL 33957

## Meeting Agenda - Final City Council

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Tuesday, December 5, 2023

9:00 AM

BIG ARTS - 900 Dunlop Rd

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

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**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 BIG ARTS.**

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### **1. CALL TO ORDER**

### **2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilmember Henshaw)**

### **3. ROLL CALL**

### **4. SET THE AGENDA**

### **5. PRESENTATION(S)**

- a. Proclamation - Recognition of Lee County Electric Cooperative (LCEC) Hurricane Ian Efforts  
*Attachments:*      [Proclamation](#)
- b. Recognition of Scott Foreman, Employee of the Year - Fiscal Year 2023
- c. Recognition of Bert Smith, Information Technology Department Director, for 25-years of service  
(Date of Hire: 11/30/1998)
- d. Sanibel Economic Outlook - Charitable Foundation of the Islands and SanCap Chamber of Commerce Collaboration

### **6. PLANNING COMMISSION REPORT (Commissioner Symroski)**

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

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

### **8. CITY COUNCIL COMMENTS**

## 9. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS

### 10. DISCUSSIONS OF DRAFT LEGISLATION

a. **Marine Accessory Structures - Discussion Only**

**DRAFT ORDINANCE 23-XXX OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO UPDATE CONDITIONAL USE PERMIT STANDARDS FOR DOCKS, BOAT DAVITS, BOAT LIFTS, AND MOORING PILINGS IN THE BAY BEACH ZONE BY AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USES, SECTION 126-96, DOCKS, BOAT DAVITS, BOAT LIFTS, AND MOORING PILINGS; AND TO MARINE ACCESSORY STRUCTURES STANDARDS BY AMENDING CHAPTER 126, ZONING, ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, SUBDIVISION II, ACCESSORY MARINE STRUCTURES, SECTION 126-875, WATERWARD EXTENSION, SECTION 126-882, DECK PLANKING, AND SECTION 126-888, LIGHTING; FOR THE PURPOSE OF AMENDING THE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**Attachments:**

[Agenda Memorandum](#)

[DRAFT Ordinance 23-XXX](#)

b. **Coconut Palm Definition - Discussion Only**

**DRAFT ORDINANCE 23-X OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATED TO VEGETATION STANDARDS BY AMENDING CHAPTER 122, VEGETATION, ARTICLE III, STANDARDS, DIVISION 1, GENERALLY, SECTION 122-101, DEFINITIONS, ADDING A DEFINITION FOR COCONUT PALMS, FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

**Attachments:**

[Agenda Memorandum](#)

[DRAFT Ord 23-X](#)

c. **Vegetation Standards - Discussion Only**

**DRAFT ORDINANCE 23-XX OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATED TO FEES AND VEGETATION STANDARDS BY AMENDING CHAPTER 90, FEES, ARTICLE I, IN GENERAL, SECTION 90-5, EXEMPTIONS, IMMUNITIES, AND WAIVERS; AND CHAPTER 122, VEGETATION, ARTICLE II, LANDSCAPING, DIVISION 2, COMMERCIAL AND INSTITUTIONAL USES, SECTION 122-47, VEGETATION BUFFERS REQUIRED, SECTION 122-48, LOCATION AND SIZE OF REQUIRED**

**VEGETATION BUFFERS, SECTION 122-49, TYPES, VARIETIES, AND NUMBERS OF PLANTS REQUIRED; DIVISION 3, RESIDENTIAL DEVELOPMENT ALONG ARTERIAL AND COLLECTOR ROADS, SECTION 122-72, LOCATION AND SIZE OF VEGETATION BUFFERS, AND SECTION 122-73, TYPES, VARIETIES, AND NUMBERS OF PLANTS REQUIRED; FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:            [Agenda Memorandum](#)  
                                 [DRAFT Ordinance 23-XX](#)

## **11. 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 OR AT THE MEETING.*

### **a. ADOPTION OF RESOLUTIONS**

- i. RESOLUTION 23-078 OF THE CITY OF SANIBEL, FLORIDA, APPROVING THE AMENDED INVESTMENT POLICY STATEMENT ADOPTED BY THE BOARD OF TRUSTEES OF THE CITY OF SANIBEL GENERAL EMPLOYEES' RETIREMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attachments:            [Agenda Memorandum](#)  
                                 [Resolution 23-078](#)  
                                 [GEPB Plan Investment Policy Statement \(Approved by Board\)](#)  
                                 [GEPB Plan Investment Policy Statement \(Marked with Changes\)](#)

- ii. RESOLUTION 23-079 APPROVING THE AMENDED INVESTMENT POLICY STATEMENT ADOPTED BY THE BOARD OF TRUSTEES OF THE CITY OF SANIBEL MUNICIPAL POLICE OFFICERS' RETIREMENT TRUST FUND; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attachments:            [Agenda Memorandum](#)  
                                 [Resolution 23-079](#)  
                                 [Investment Policy](#)  
                                 [Investment Policy Statement \(Marked with Changes\)](#)

### **b. BUSINESS ITEMS**

- i. Adoption of Minutes - November 1, 2023 Special Meeting; November 7, 2023 Regular Meeting; November 20, 2023 Special Meeting**

Attachments:            [November 1, 2023 Special Meeting Minutes](#)  
                                 [November 7, 2023 Regular Meeting Minutes](#)  
                                 [November 20, 2023 Special Meeting Minutes](#)

- ii. Approval of the purchase of a new Mower Max Boom - Gen 4 from Atmax Equipment Co. utilizing Florida Sheriffs Association Cooperative Purchasing Program contract number FSA23-EQU21.0 in the amount of \$219,800.00 and approve the asset disposal of the 2006 TS115A New Holland Tractor with Flail Axe Attachment for the trade-in value of \$21,000.00.

Attachments:

[Agenda Memorandum](#)

[Mower Max Sanibel FL Quote 014576](#)

[FSA23EQU210- Contract - Equipment Final Award Packet10122023](#)

[Asset Disposal Form Signed 11-15-23](#)

- iii. Approval of the purchase of a new Ford F150 SuperCab 4x4 Pickup Truck for the Public Works Department, Streets Division (Transportation Fund), from Bartow Ford as a piggyback of Charlotte County Vehicles Annual Contract No. 2021000541, in the amount of \$44,167.71.

Attachments:

[Agenda Memorandum](#)

[2024 F150 SUPER CAB 4X4 Proposal - Bartow Ford](#)

[Charlotte contract](#)

[BID # 21-541 Bartow Ford](#)

[BID # 215416 ADDENDUM #1](#)

[BID SPECIFICATIONS 215412](#)

[NOTICE OF ACCEPTANCE 21-541](#)

- iv. Approval of the purchase of a new Ford F-550 Crane Truck for the Public Works Department, Utilities Division (Sewer Fund), from Bartow Ford as a piggyback of Charlotte County Vehicles Annual Contract No. 2021000541, in the amount of \$134,991.43.

Attachments:

[Agenda Memorandum](#)

[102623 2024 F5H F550 4X4 WORKSHEET REV 1](#)

[Charlotte contract](#)

[BID # 21-541 Bartow Ford](#)

[BID # 215416 ADDENDUM #1](#)

[BID SPECIFICATIONS 215412](#)

[NOTICE OF ACCEPTANCE 21-541](#)

- v. Approval of a 3-year Consulting Services Agreement between the City and DeLisi, Inc., for consulting and advocacy services in addressing water quality issues in the amount of \$25,000 per year and authorize the City Manager to execute same (This agreement does not increase the FY2024 adopted budget)

Attachments:

[Agenda Memorandum](#)

[Agreement](#)

- vi. Approval of a 1-year agreement with Sanibel Sports for youth sports at the Sanibel Ball fields

and authorize the City Manager to execute same.

Attachments:

[Agenda Memorandum](#)

[Proposed Sanibel Sports Annual League Agreement](#)

- vii. Approval of Florida Department of Environmental Protection (FDEP) project grant contracts HA017 in the amount of \$10,000,000 for Sanibel Stormwater Repairs and HA037 in the amount of \$9,936,341 for Lift Station Control Panel Replacement; and authorize City Manager to execute same (Information to be provided in supplemental agenda.)

## CONSENT ITEMS PULLED FOR DISCUSSION

### 12. INFORMATIONAL ITEMS

- a. Donax and Phase IV Sewer Update

Attachments:

[PowerPoint Presentation](#)

- b. Hazard Mitigation Grant Project Updates (Tradewinds, East Rocks)

Attachments:

[Agenda Memorandum - Tradewinds](#)

[Agenda Memorandum - East Rocks](#)

- c. Water Quality Report from the Natural Resources Department

Attachments:

[Agenda Memorandum](#)

- d. Causeway Counts - October 2023

Attachments:

[Agenda Memorandum](#)

- e. Quarterly Financial Reports (Information to be provided in supplemental agenda.)

- f. 50th Anniversary City Workgroup Update

Attachments:

[Agenda Memorandum](#)

[Workgroup Meeting Notes from October 18, 2023](#)

[Workgroup Meeting Notes from November 15, 2023](#)

- g. Hurricane Ian Recovery Update

Attachments:

[PowerPoint Presentation](#)

### 13. COMMITTEES BOARDS COMMISSION

- a. **RESOLUTION 23-080 OF THE CITY OF SANIBEL, FLORIDA, RATIFYING THE REAPPOINTMENT OF RICHARD HEALEY AS THE BOARD APPOINTED MEMBER OF THE BOARD OF TRUSTEES OF THE GENERAL EMPLOYEES' RETIREMENT PLAN BOARD OF TRUSTEES; AND PROVIDING FOR AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
[Resolution 23-080](#)

- b.      **RESOLUTION 23-081 OF THE CITY OF SANIBEL, FLORIDA, AMENDING RESOLUTION 21-019 REGARDING APPOINTMENT OF MEMBERS TO THE SANIBEL PLANNING COMMISSION, EXTENDING THE TERMS OF THE TWO MEMBERS; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
[Resolution 23-081](#)  
[Resolution 21-019 amending 21-009](#)  
[Resolution 21-009 Planning Commission Appointments](#)

#### 14. OLD BUSINESS

- a.      Discussion relating to the City Attorney's current agreement through Boy Agnew Potanovic Miller PLLC to provide contractual City Attorney services. *(Information to be provided in supplemental agenda.)*
- b.      Award the Sanibel Island Post Hurricane Ian Emergency Berm/Beach Recovery Project to Eastman Aggregate Enterprises, LLC. in the amount of \$14,181,208.00 and authorize the City manager to execute the contract. This project is funded through a combination of FEMA and State funding related to Hurricane Ian recovery.

Attachments:      [Agenda Memorandum](#)  
[CONTRACT](#)  
[EASTMAN BID 11202023](#)  
[Bid Tab Sanibel Island Post Hurricane Ian 11202023](#)  
[Bid Questions Answers 2023-11-15](#)  
[Emergency Beach Berm Recovery-SPECIFICATIONS](#)  
[Appendix A Beach Access Locations](#)  
[Appendix B CONTRACTOR Daily Report Form](#)  
[Appendix C Contract Drawings 2023-11-10](#)  
[Appendix D Restricted Truck Route Segment](#)  
[Bid Opening 11-20-23](#)

- c.      **Captiva Conservation Area Bill**  
**RESOLUTION 23-083 OF THE CITY OF SANIBEL, FLORIDA, EXPRESSING ITS SUPPORT OF THE DRAFT CAPTIVA CONSERVATION AREA BILL; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
[Resolution 23-083](#)  
[Captiva Island Conservation Area Bill Final 11-30-2023](#)  
[Letter to Delegation - Captiva Conservation Area Bill 11-20-23](#)  
[Project Captiva Coalition Document](#)

d. Beach Area Parking Fines Discussion

Attachments:      [Agenda Memorandum](#)  
                              [Ordinance 20-007 Beach Area Parking](#)  
                              [Minutes - October 6 2020 City Council Meeting Beach Parking Fines](#)

e. **RESOLUTION 23-085 OF THE CITY OF SANIBEL CITY COUNCIL IN SUPPORT OF THE SANIBEL STRICT RAINY SEASON BAN URBAN FERTILIZER ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
                              [Resolution 23-085](#)  
                              [Email from Lyman Welch - Fertilizer Ordinance](#)  
                              [LIST Strong Fertilizer Ordinance Coverage Florida as of 05-23-23](#)

f. Local State of Emergency Discussion

Attachments:      [Agenda Memorandum](#)

g. **RESOLUTION 23-075 OF THE CITY OF SANIBEL, FLORIDA, PROVIDING TEMPORARY RECIPROCITY FOR CERTAIN CONTRACTORS LICENSED AND REGISTERED WITH LEE COUNTY, FLORIDA; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
                              [Resolution 23-075](#)

h. **RESOLUTION 23-076 OF THE CITY OF SANIBEL, FLORIDA, EXTENDING AUTHORIZATION FOR TEMPORARY STORAGE UNITS; AND PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
                              [Resolution 23-076](#)

i. **RESOLUTION 23-074 OF THE SANIBEL CITY COUNCIL TO FIX A TIME, DATE, AND PLACE FOR A PUBLIC HEARING TO DETERMINE THE PROPRIETY AND ADVISABILITY OF ESTABLISHING AND IMPLEMENTING THE SANIBEL SEWER SYSTEM PHASE 4B EXPANSION PROJECT, WHICH ENCOMPASSES CERTAIN PROPERTIES IN THAT AREA OF THE CITY KNOWN AS SANIBEL GARDENS (ALSO REFERRED TO AS PHASE 4B, AREA B); CERTAIN PROPERTIES IN TAMARINDS (ALSO REFERRED TO AS PHASE 4B, AREA C); CERTAIN PROPERTIES IN WINTERBOTHAM (ALSO REFERRED TO AS PHASE 4B, AREA D); CERTAIN PROPERTIES ON FERRY ROAD (ALSO REFERRED TO AS PHASE 4B, AREA F; AND CERTAIN PROPERTIES ON MIDDLE GULF DRIVE (ALSO REFERRED TO AS PHASE 4B, AREA G) WITHIN THE CITY OF SANIBEL, AS TO THE COST AND FUNDING THEREOF, THE MANNER OF PAYMENT THEREFORE, AND AS TO THE AMOUNT TO BE ASSESSED EACH PROPERTY SO IMPROVED, PURSUANT TO SECTIONS 170.07 AND 170.08, FLORIDA STATUTES; AND**

**PROVIDING AN EFFECTIVE DATE.**

Attachments:      [Agenda Memorandum](#)  
                              [Resolution 23-074](#)

**j. Legislative Priorities**

Attachments:      [Agenda Memorandum](#)  
                              [2024 Sanibel Legislative Priorities](#)  
                              [Referendum Merger for Mosquito Districts](#)  
                              [Referendum Merger for Fire Districts](#)  
                              [Lee County Single Member District](#)  
                              [Lee County Elected Mayor](#)

**15. CITY MANAGER'S REPORT****16. CITY ATTORNEY'S REPORT****17. COUNCIL MEMBERS' REPORTS****18. PUBLIC COMMENT****19. 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](http://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 Schedule](#)



**“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.**