



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final City Council

Tuesday, January 16, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

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 BIG ARTS.

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE (Vice Mayor Miller)

3. ROLL CALL

4. SET THE AGENDA

5. PRESENTATION(S)

- a. Proclamation declaring and celebrating January 19, 2024 as Florida Arbor Day

Attachments: [Arbor Day Proc 2024](#)

- b. Beach Nourishment Project Update

- c. Florida Department of Transportation (FDOT) Causeway Update by Jennifer Dorning

6. PLANNING COMMISSION REPORT (Commissioner Colter)

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. FIRST READING OF AN ORDINANCE AND SCHEDULING OF PUBLIC HEARING

Note: The First Reading is not a public hearing and no discussion or testimony will be taken unless the ordinance changes permitted conditional or prohibited uses as required by State Statute

a. **Coconut Palm Definition**

ORDINANCE 24-001 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](#)
 [Ordinance 24-001](#)

b. **Marine Accessory Structures**

ORDINANCE 24-002 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](#)
 [Ordinance 24-002](#)

c. **Vegetation Standards**

ORDINANCE 24-003 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](#)
 [Ordinance 24-003](#)
 [PC Resolution 23-33](#)

d. **Special Events**

ORDINANCE 23-004 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES TO UPDATE SPECIAL EVENT APPLICATIONS AND CONDITIONS FOR GRANTING OF PERMITS BY AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 110, ARTICLE I, IN GENERAL, DIVISION 2, PERMIT, SECTION 110-49, APPLICATIONS, AND SECTION 110-51, CONDITIONS FOR GRANTING PERMIT; 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](#)
 [Ordinance 24-004](#)

11. DISCUSSIONS OF DRAFT LEGISLATION

a. Milestone Inspections

DRAFT ORDINANCE 24-XX OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, TO CREATE A NEW ARTICLE VIII, MANDATORY INSPECTION OF AGING CONDOMINIUM AND COOPERATIVE BUILDINGS, CONTAINING NEW SECTIONS 14-321 TO 14-32 ADDRESSING INSPECTION, REPORTING, REPAIRS, ENFORCEMENT, AND PENALTIES; 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 24-XX](#)

[Senate Bill 4-D](#)

[Senate Bill 154](#)

[Chapter Law-2023-203](#)

[Legislative Staff Analysis Inspections](#)

b. Mixed Use

DRAFT ORDINANCE 24-XXX OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO MIXED-USE DEVELOPMENT TO PROVIDE INCENTIVES TO CREATE HOUSING OPPORTUNITIES FOR SANIBEL WORKFORCE AND STREAMLINE PERMIT PROCESSES FOR SUCH DEVELOPMENTS; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 78. - GENERAL PROVISIONS, SECTION 78-1. - RULES OF CONSTRUCTION AND DEFINITIONS; AMENDING CHAPTER 86 - DEVELOPMENT STANDARDS, SECTION 86-1. - COMBINED RESIDENTIAL AND COMMERCIAL DEVELOPMENT; REMOVING CHAPTER 90 - FEES, ARTICLE II. - DEVELOPMENT PERMITS, DIVISION 7. - DEVELOPMENT PERMITS IMPLEMENTING CONDITIONAL USE APPROVAL, SECTION 90-180. - COMBINED RESIDENTIAL AND COMMERCIAL DEVELOPMENT; REMOVING ARTICLE IV. - PUBLIC HEARINGS, DIVISION 4. - CONDITIONAL USES, SECTION 90-395. - COMBINED RESIDENTIAL AND COMMERCIAL DEVELOPMENT; AMENDING CHAPTER 126 - ZONING; ARTICLE II. - CONDITIONAL USE PERMITS, SECTION 126-33. - INSTITUTIONAL USES; REMOVING ARTICLE IV. - CONDITIONAL USES, SECTION 126-87. - COMBINED RESIDENTIAL AND COMMERCIAL DEVELOPMENT; AMENDING ARTICLE VIII. - COMMERCIAL DISTRICTS, DIVISION 2. - GC GENERAL COMMERCIAL, Section 126-491. - Permitted Uses, SECTION 126-492. - CONDITIONAL USES, DIVISION 3. - TCG TOWN CENTER GENERAL COMMERCIAL DISTRICT, SECTION 126-514. - REQUIRED CONDITIONS, AND DIVISION 4. - TOWN CENTER LIMITED COMMERCIAL DISTRICT, SECTION 126-534. - REQUIRED CONDITIONS; and

ADDING SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5. - COMMERCIAL AND INSTITUTIONAL USES GENERALLY, SECTION 126-1032; AND AMENDING ARTICLE XV. - OFF-STREET PARKING AND LOADING, DIVISION 2. - OFF-STREET PARKING, SUBDIVISION II. - RESIDENTIAL USES, SECTION 126-1341. - REQUIRED PARKING SPACES, FOR THE PURPOSE OF AMENDING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Agenda Memorandum](#)
 [DRAFT Ordinance 24-XXX](#)

12. 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 24-007 APPROVING BUDGET AMENDMENT 24-002 AND

PROVIDING AN EFFECTIVE DATE (To roll forward \$1,868,717 in certain projects that were estimated to be completed in fiscal year 2023 but were not. These projects were estimated to be completed in FY2023 and therefore decreased the estimated beginning fund balance in each respective fund. Since these projects were not completed, beginning fund balance is being increased and expenditures are being appropriated. This amendment increases the FY2024 budget by \$1,868,717.)

Attachments: [Agenda Memorandum](#)
 [Resolution 24-007](#)
 [Resolution 24-007 Exhibit A and B](#)

ii. RESOLUTION 24-008 APPROVING BUDGET AMENDMENT 24-001 AND

PROVIDING AN EFFECTIVE DATE (To appropriate \$1,045,000 in operational reserves in the adopted fiscal year 2024 budget to personnel expenditures related to negotiated wage increases for FY 2024. Funding for this amendment is included in the adopted fiscal year 2024 budget. This budget amendment does not increase the fiscal year 2024 budget.)

Attachments: [Agenda Memorandum](#)
 [Resolution 24-008](#)
 [Resolution 24-008 Exhibit A](#)

b. BUSINESS ITEMS

i. Adoption of Minutes - December 5, 2023 Regular Meeting

Attachments: [December 5, 2023 Minutes](#)

- ii. Approval of Professional Services Agreement for the Jordan Marsh Evaluation Study to review and evaluate the damage to the Jordan Marsh Water Quality Treatment Park due to Hurricane Ian, . Staff recommends that City Council approve the proposal submitted by Hole Montes for professional services in the amount of \$51,595.00.

Attachments: [Agenda Memorandum](#)
 [Proposal](#)

- iii. Sanibel Community Association request for sixty (60) special event permits in 2024

Attachments: [Agenda Memorandum](#)
 [SCA Letter 2024 SE Permits](#)

- iv. Approval of an extension for the receipt of Community Housing and Resource's annual audited financial statement to February 1, 2024.

Attachments: [Agenda Memorandum](#)
 [Request from Community Housing and Resources Inc.](#)

- v. Approval of the purchase of a 2024 Ford F150 SuperCab 4x4 pickup truck and a 2024 Ford Maverick AWD pickup truck from Sam Galloway Ford as a piggyback of Lee County Contract No. 8200417BAG, in the amount of \$69,256.00. Funding for the proposed purchase comes from Lee County Tourist Development Council (TDC) funds.

Attachments: [Agenda Memorandum](#)
 [Sam Galloway Proposal](#)
 [FULLY EXECUTED CONTRACT- B200417BAG SAM GALLOWAY](#)
 [Renewal Confirmation.Sam Galloway](#)
 [LEE COUNTY BID -B200417BAG](#)
 [Addendum 1 B200417BAG](#)
 [Approved AIR 20](#)
 [Bid Tab](#)
 [Contract Summary Information B200417BAG.updated 7.11.23](#)
 [DS Annoucement B200417BAG Ford Automobiles](#)

- vi. Request from Dr. Michael Savarese of the Florida Gulf Coast University (FGCU) Water School to support and collaborate on a proposal for consideration by the National Oceanic and Atmospheric Administration's "Effects of Sea Level Rise" Program (NOAA-ESLR) that will help coastal communities anticipate future changes to their barrier islands and beaches due to future storms and sea-level rise

Attachments: [Agenda Memorandum](#)
 [Project Proposal White Paper](#)
 [Points of Engagement](#)
 [Letter of Support](#)

vii. Approval of the purchase of Controlled Energy Devices - also known as "Tasers" from Axon Enterprises, Inc., in the amount of \$85,545

Attachments: [Agenda Memorandum](#)
 [Axon Taser Quote](#)

xiii. Approval of an order amending Sanibel Contract 22-052 with Governmentjobs.com Inc. (dba NEOGOV), which corrects the term dates of the three year agreement and waives the term fees (\$10,792.10) for year one of the agreement (2022-2023) due to impact of Hurricane Ian which halted implementation of the Perform and Learn subscriptions. Revised contract amount is \$42,119.60.

Attachments: [Staff Memorandum](#)
 [Attachment A - Original Agreement 05/04/2022](#)
 [Attachment B - Revised Order to Amend Contract 01/04/2024](#)

CONSENT ITEMS PULLED FOR DISCUSSION

13. INFORMATIONAL ITEMS

a. Donax Update

Attachments: [PowerPoint Presentation](#)

b. Phase 4B Sewer Assessment - Informational

Attachments: [Resolution 23-074](#)
 [Link to December 5, 2023 City Council Meeting](#)
 [Phase 4B Construction Update](#)

c. Hazard Mitigation Grant Project (HMGP) Updates (Tradewinds, East Rocks)

Attachments: [Agenda Memorandum - Tradewinds](#)
 [Agenda Memorandum - East Rocks](#)

d. Water Quality Report from Natural Resources Department

Attachments: [Agenda Memorandum](#)

e. Sanibel Causeway Traffic Counts for November 2023

Attachments: [Agenda Memorandum](#)

f. Shared Use Path Master Plan Update

Attachments: [Agenda Memorandum](#)

14. COMMITTEES BOARDS COMMISSION

- a. **RESOLUTION 24-004 APPOINTING TWO MEMBERS TO THE SANIBEL PLANNING COMMISSION TO FILL THREE-YEAR TERMS BEGINNING ON JANUARY 16, 2024, THROUGH MIDNIGHT, JANUARY 18, 2027; AND PROVIDING AN EFFECTIVE DATE** (Applicants listed in order received)

Attachments: [Agenda Memorandum](#)
[Resolution 24-004](#)
[Paul Nichols - Request for reappointment](#)
[Ty Symroski - Request for reappointment](#)
[Erika Steiner](#)
[Miles Sweiss](#)
[Allison Gaudreau](#)

15. OLD BUSINESS

- a. **RESOLUTION 24-006 REPEALING AND REPLACING RESOLUTION 19-010, FOR THE PURPOSES OF UPDATING THE HOURLY RATES FOR CITY ATTORNEY-RELATED SERVICES FOR THE LAW FIRM OF BOY AGNEW POTANOVIC MILLER, PLLC, TO REPRESENT THE CITY OF SANIBEL, OF WHICH CITY ATTORNEY JOHN AGNEW WOULD BE LEAD COUNSEL; AND PROVIDING AN EFFECTIVE DATE.**

Attachments: [Agenda Memorandum](#)
[Resolution 24-006 with Exhibit A](#)
[Attorney Rate Increase 2023](#)

- b. Beach Area Parking Fines Discussion

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

- c. **RESOLUTION 24-002 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 24-002](#)

- d. **RESOLUTION 24-003 OF THE CITY OF SANIBEL, FLORIDA, EXTENDING AUTHORIZATION FOR TEMPORARY STORAGE UNITS; AND PROVIDING AN EFFECTIVE DATE.**

Attachments: [Agenda Memorandum](#)
 [Resolution 24-003](#)

- e. 50th Anniversary Commemorative City Logo

Attachments: [Agenda Memorandum](#)
 [50th Anniversary Commemorative City Logo Image](#)

- f. Ratification of City Manager's approval of Agreement DNR24-006 with Vulcan Construction Materials, LLC for the direct purchase of 410,100 tons of specified sand for the Sanibel Island Post Hurricane Ian Emergency Berm/Beach Recovery Project at a price of \$8.23/ton for a total cost of \$3,375,123.00.

Attachments: [Agenda Memorandum](#)
 [Agreement](#)
 [Change Order #1](#)

- g. Lee County Charter Review Commission - Voluntary Annexation (Information to come)

- h. Captiva Update (Information to come)

- i. Resilient Lee Update (Information to come)

16. NEW BUSINESS

- a. Discussion concerning the process to fill the seat on the Sanibel City Council created by the resignation of Dr. Scott Crater

Attachments: [Agenda Memorandum](#)
 [Sanibel Charter - Article 3 - Legislative](#)
 [Sanibel Charter - Article 5 - Nominations and Elections](#)
 [Previous Releases Accepting Applications for Council Vacancy](#)
 [Form 6 - Ethics Commission FactSheet](#)

- b. Appoint a City Council Liaison to the Community Housing and Resources (CHR), Inc. due to the resignation of Dr. Scott Crater from City Council.

Attachments: [Agenda Memorandum](#)

- c. **RESOLUTION 24-009 CALLING FOR A SPECIAL ELECTION TO FILL A VACANT SEAT ON THE SANIBEL CITY COUNCIL; SETTING THE DATE AND POLLING PLACES FOR THE ELECTION; PROVIDING FOR QUALIFICATION OF CANDIDATES AND FOR SUBMITTING THE NAMES OF THOSE WHO QUALIFY**

**AS CITY COUNCIL CANDIDATES; PROVIDING FOR BALLOT LANGUAGE;
REQUESTING THE LEE COUNTY SUPERVISOR OF ELECTIONS TO CONDUCT
THE ELECTION AND CERTIFY THE RESULTS TO THE SANIBEL CITY COUNCIL;
AND PROVIDING AN EFFECTIVE DATE.**

Attachments: [Agenda Memorandum](#)
 [Resolution 24-009](#)
 [Dr Scott Crater - Resignation Email.pdf](#)

- d. **RESOLUTION 24-005 OF THE CITY OF SANIBEL, FLORIDA, RESCINDING
RESOLUTION 04-130 IN ITS ENTIRETY; AND PROVIDING AN EFFECTIVE DATE.**

Attachments: [Agenda Memorandum](#)
 [Resolution 24-005](#)

17. CITY MANAGER'S REPORT

18. CITY ATTORNEY'S REPORT

19. COUNCIL MEMBERS' REPORTS

20. PUBLIC COMMENT

21. 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 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.**