



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final City Council

Tuesday, October 3, 2023

9:00 AM

BIG ARTS - 900 Dunlop Rd

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.

1. CALL TO ORDER

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

3. ROLL CALL

4. SET THE AGENDA

5. PRESENTATION(S)

- a. Employee of the Quarter
 - i. 3rd Quarter - Erin Tansey, Fiscal Assistant (Finance Department)
 - ii. 4th Quarter - Oisin Dolley, Assistant City Engineer (Public Works Department)

- b. Breast Cancer Awareness Month Proclamation

Attachments: [Breast Cancer Awareness Proclamation](#)

- c. 2023 Florida Native Plant Month on Sanibel Island Proclamation

Attachments: [2023 FL Native Plant Month Proclamation](#)

- d. John Lai, Sanibel Captiva Chamber of Commerce President & CEO, Chamber Update

- e. Presentation on the Sanibel Island Post Hurricane Ian Emergency Berm/Beach Recovery Project by Brett Moore, Humiston & Moore Engineers, P.A.

Attachments: [PowerPoint Presentation](#)

6. PLANNING COMMISSION REPORT (Commissioner DeBruce)

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**

- a. Beach Area Parking Fines Discussion

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

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. **Resort Housing District Building Height**
ORDINANCE 23-024 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES TO UPDATE RESORT HOUSING DEVELOPMENT REGULATIONS, AMENDING CHAPTER 126, ZONING, ARTICLE XII, RESORT HOUSING DISTRICT, SECTION 126-637, RESORT HOUSING DEVELOPMENT REGULATIONS, 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 23-024](#)

11. 9:10 - SECOND READING AND PUBLIC HEARING

- a. **Architectural Design Standards - Multifamily - Amending Ordinance 23-006**
ORDINANCE 23-021 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, RELATING TO ARCHITECTURAL DESIGN REQUIREMENTS FOR MULTIFAMILY HOUSING TO CLARIFY REGULATORY LANGUAGE AND ENSURE THAT REDEVELOPMENT WILL BE CONDUCTED CONSISTENT WITH ISLAND STYLE CHARACTER AND SCENIC PRESERVATION WITHIN THE BUILT ENVIRONMENT BY AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE ILL, RESIDENTIAL, DIVISION 3, UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) AND MULTIFAMILY HOUSING, SUBDIVISION ILL, MULTIFAMILY HOUSING, SECTION 86-169, ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES, SUBSECTION (C); AND DELETING SUBSECTION (E); FOR THE PURPOSE OF

AMENDING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Agenda Memorandum](#)
 [Ordinance 23-021](#)

b. Amending Ordinance 23-009 To Correct Scrivener's Error

ORDINANCE 23-022 AMENDING ORDINANCE 22-009 TO CORRECT A SCRIVENER'S ERROR CONTAINED IN SECTION 4, CONDITION 3, RELATING TO THE EXTERIOR OF THE ORIGINAL BUILDING, NAMELY PROPERTY OWNED BY PRISCILLA MURPHY CENTER, A CONDOMINIUM, AND LOCATED AT 1019 PERIWINKLE WAY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Agenda Memorandum](#)
 [Ordinance 23-022](#)

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 23-060 APPROVING AN AMENDMENT TO RESOLUTION 15-099, THE CASA MARIPOSA AGREEMENT REPAYMENT SCHEDULE BY COMMUNITY HOUSING RESOURCES, INC., (CHR); AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Agenda Memorandum](#)
 [Resolution 23-060](#)
 [Resolution 15-099 Casa Mariposa Repayment Schedule](#)

ii. RESOLUTION 23-067 APPROVING BUDGET AMENDMENT 2023-011; AND PROVIDING AN EFFECTIVE DATE (To adjust appropriations and amendments made to the fiscal year 2023 governmental funds budgets to reflect activity post Hurricane Ian. (This amendment increases the fiscal year 2023 budget by \$3,263,428 due to the increase in third party revenues related to Hurricane Ian reimbursements. Net results of increases and decreases in fund budgets are placed in the budgeted ending fund balance for that fund.))

Attachments: [Agenda Memorandum](#)
 [Resolution 23-067](#)
 [Exhibit A](#)

iii. RESOLUTION 23-063 APPROVING THE CITY OF SANIBEL FISCAL YEAR 2023-2024 COMPENSATION AND CLASSIFICATION PLAN; ADDING

APPROVED POSITIONS ADOPTED IN THE FISCAL YEAR 2024 BUDGET DOCUMENT; AND AMENDING EXISTING JOB CLASSES AND JOB RECLASSIFICATIONS TO FACILITATE REORGANIZATION OF BUILDING, FINANCE, PUBLIC WORKS, AND RECREATION DEPARTMENTS; AUTHORIZING THE CITY MANAGER TO AMEND JOB DESCRIPTIONS AS NECESSARY TO KEEP SUCH DESCRIPTIONS CURRENT; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Agenda Memorandum](#)
 [Resolution 23-063](#)
 [Fiscal Year 2024 Compensation and Classification Plan](#)

b. BUSINESS ITEMS

- i. Adoption of Minutes - September 11, 2023 Regular Meeting; September 11, 2023 First Budget Hearing; September 27, 2023 Final Budget Hearing

Attachments: [September 11, 2023 Regular Meeting Minutes](#)
 [September 11, 2023 First Budget Hearing](#)
 [September 27, 2023 Final Budget Hearing](#)

- ii. Engineering Services in Conjunction with the City's National Pollutant Discharge Elimination System Permit (NPDES). Staff recommends that Council approve the proposal submitted by Johnson Engineering for FY2024 NPDES-related work for a fee of \$84,192.

Attachments: [Agenda Memorandum](#)
 [2023-09-01 City of Sanibel - NPDES C4Y7 - Exhibits A-B](#)
 [2023-09-01 City of Sanibel - Water Quality - Exhibits A-B](#)
 [21-019 Johnson Engineering, Inc. Agreement](#)

- iii. Approval of a grant from the Florida Department of Environmental Protection (FDEP) Resilient Florida Program for "Vulnerability Assessment and Adaptation Planning for Sanibel Island" in an amount of \$124,000.00 and authorize the City Manager to execute the same (this does not increase the FY24 budget).

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

- iv. Approval of an agreement between the City of Sanibel and CliftonLarsonAllen LLP for auditing services and approval of Statements of Work for the fiscal year 2023 financial audit and authorize Mayor and City Manager to execute same.

Attachments: [Agenda Memorandum](#)
 [CliftonLarsonAllen Audit Agreement](#)
 [Statement of Work - Audit Services 2023](#)
 [Statement of Work - Assertion Based Examination Services 2023](#)

- v. Approval of a 30-day extension to the Professional Services Agreement between the City of Sanibel and Tidal Basin Government Consulting, LLC and authorize City Manager to execute same.

Attachments: [Agenda Memorandum](#)
 [Tidal Basin Emergency Contract Extension](#)

CONSENT ITEMS PULLED FOR DISCUSSION

13. INFORMATIONAL ITEMS

- a. Donax and Phase IV Sewer Update

Attachments: [Agenda Memorandum](#)

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

Attachments: [Agenda Memorandum](#)

- c. Water Quality Report from Natural Resources Department

Attachments: [Agenda Memorandum](#)

- d. Causeway Counts - August 2023 and Calendar and Fiscal Year 2023

Attachments: [Agenda Memorandum](#)

- e. Hurricane Ian Recovery Update

Attachments: [PowerPoint Presentation](#)

14. 12:00 P.M. - CONVENE AN EXECUTIVE SESSION RELATING TO CYBER SECURITY

In attendance shall be only the following persons:

Mayor Richard Johnson

Vice Mayor Mike Miller

Councilmember Dr. Scott Crater

Councilmember John Henshaw

Councilmember Holly D. Smith

City Manager Dana Souza

City Attorney John Agnew

Director of Information Technology Bert Smith

15. 1:00 P.M. - QUASI-JUDICIAL HEARING

- a. Coastal Creek Appeal

RESOLUTION 23-049 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, UPHOLDING/REVERSING/MODIFYING/REMANDING THE PLANNING COMMISSION'S DECISION DETAILED IN SANIBEL PLANNING COMMISSION RESOLUTION 23-024, REGARDING DEVELOPMENT PERMIT

APPLICATION NO. DP-2021-001803 AND MAJOR SUBDIVISION APPLICATION NO. SPLT 2022-000074 DATED JANUARY 24, 2023, FOR THE PROJECT KNOWN AS COASTAL CREEK SUBDIVISION AND LOCATED AT 5301-5325 SANIBEL CAPTIVA ROAD; AND PROVIDING AN EFFECTIVE DATE.

Attachments:

[Agenda Memorandum](#)

[Resolution 23-049](#)

[PC Resolution 23-024 Coastal Creek](#)

[City Council Resolution 23-012 - Ex Parte Communications](#)

[Notice & Grounds of Appeal PC Resolution 23-24](#)

[Previously Submitted Exhibits for Appeal of PC Resolution 23-001](#)

[Sec. 82-98. - Appeals.](#)

[Division 2. Creation, Procedure and General Authority](#)

[July 25, 2023 Planning Commission Meeting Minutes](#)

16. COMMITTEES BOARDS COMMISSION

a. RESOLUTION 23-040 APPOINTING SEVEN MEMBERS TO THE PARKS AND RECREATION ADVISORY COMMITTEE AND PROVIDING AN EFFECTIVE DATE

(Seven residents shall be appointed by City Council from applications submitted to the City of Sanibel. Initial appointments shall be three (3) one-year terms, two (2) two-year terms, and two (2) three-year terms.) (Applicants listed in alphabetical order by last name.)

Attachments:

[Agenda Memorandum](#)

[Resolution 23-040](#)

[Ordinance 23-009](#)

[Baker, Derek](#)

[Cheatham III, Walter](#)

[Carson, Randy](#)

[Delaney, James](#)

[Denick, Christopher](#)

[Gaudreau, Matt](#)

[Halliburton, Jason](#)

[Hines, Linda](#)

[Jones, Julie](#)

[Pfanzelt, Lisa](#)

[Quillen, Ralph](#)

[Roth, Barry](#)

[Semler-Welch, Angi](#)

[Sincoskie, Jude](#)

[Stewart, Audrey](#)

Attachments: [Sweet, Kyle](#)
 [Walker, Wendy](#)
 [Whitaker, Mary Grace](#)
 [Williams, Thomas](#)

17. OLD BUSINESS

- a. Supplemental Carbon Product for the Donax Water Reclamation (WRF) - Staff recommends that City Council approve the purchase of MicroC® 2000 with Environmental Operating Solutions, Inc. (EOSi) as a sole source provider.

Attachments: [Agenda Memorandum](#)
 [MicroC 2000 Bulk Quote - Donax WRF - August 2023](#)
 [2023 MicroC Sole Source Letter - Sanibel FL](#)

- b. Tradewinds Subdivision Drainage Improvements Project Update

Attachments: [Agenda Memorandum](#)
 [Bid Comparison Memo & Attachments](#)

- c. Sanibel Plan Update - Proposed schedule and plan to review all elements

Attachments: [Agenda Memorandum](#)
 [Sanibel Plan update](#)

- d. Lee County Charter Commission Review - Voluntary Annexation

Attachments: [Agenda Memorandum](#)
 [Lee County Charter Review Letter - August 11 2023](#)
 [Lee County Charter Review Commission Letter 9-11-2023](#)
 [Letter to Cities - Charter Review Voluntary Annexation Proposal](#)

- e. Legislative Priorities (Information to be provided in supplemental agenda)

18. NEW BUSINESS

- a. Request for Qualifications - City-wide - Architectural and Engineering Services. Staff recommends that Council accept the recommendation of the selection committee and authorize the City Manager to enter into contracts, with Cummins Cederberg, Inc., Diversified Technology Consultants, Inc., Florida Technical Consultants, LLC., Haley Ward, Inc., Hole Montes, a Bowman Company, Humiston & Moore Engineers, P.A., Johnson Engineering, Inc., K2M Design, Kimley Horn and Associates, Inc., Stantec Consulting Services, Inc., T.Y. Lin International, Tetra Tech, Inc., and Weston & Sampson Engineers, Inc. for the subject services. Any of the firms may be selected and utilized to provide the services subject to the availability of each firm's resources, time schedule and expertise.

Attachments:

[Agenda Memorandum](#)
[Selection Committee Meeting 9-14-23](#)
[Cummins Cederberg, Inc. Contract Rev. 9-20-23](#)
[Diversified Technology Consultants, Inc Contract Rev 9-20-23](#)
[Florida Technical Consultants, LLC Rev. 9-20-23](#)
[Haley Ward, Inc. Contract Rev. 9-20-23](#)
[Hole Montes, A Bowman Company Contract Rev 9-20-23](#)
[Humiston and Moore Engineers P.A. Contract Rev. 9-20-23](#)
[Johnson Engineering, Inc. Contract Rev. 9-20-23](#)
[K2M Design Contract Rev. 9-20-23](#)
[Kimley-Horn and Associates, Inc. Contract Rev. 9-20-23](#)
[Stantec Consulting Services, Inc Contract Rev. 9-20-23](#)
[T.Y. Lin International Contract Rev. 9-20-23](#)
[Tetra Tech Inc. Contract Tt rev 9-20-23](#)
[Weston & Sampson Engineers Inc. Contract Rev. 9-20-23](#)

19. CITY MANAGER'S REPORT**20. CITY ATTORNEY'S REPORT****21. COUNCIL MEMBERS' REPORTS****22. PUBLIC COMMENT****23. ADJOURNMENT**

Added to the Record

Attachments:

[5a Chamber Update PowerPoint](#)
[15a July 25, 2023 PowerPoint](#)
[15a July 25, 2023 Coastal Creek Staff Report](#)
[17e Agenda Memorandum](#)
[19 Captiva Community Association Letter to DOC 9.19.23](#)
[Ballot One](#)
[Ballot Two](#)
[Ballot Three](#)

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.**