



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final Revised City Council

Tuesday, October 1, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

AS OF 9/30/24 SUPPLEMENT 1: ADDED NEW PRESENTATION ITEM 5(d) AND CONSENT AGENDA ITEM 14(a)(iv)

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 (Councilmember DeBruce)

3. ROLL CALL

4. SET THE AGENDA

5. PRESENTATION(S)

- a.** The Chartable Foundation of the Islands - Accelerate Small Business Loan Program - Doug Congress

Attachments: [Accelerate Small Business Loan Program Flyer](#)

- b.** Proclamation proclaiming October as Breast Cancer Awareness Month

Attachments: [Breast Cancer Awareness Proclamation](#)

- c.** 2024 Florida Native Plant Month on Sanibel Island Proclamation

Attachments: [Proclamation](#)

- d.** Hurricane Helene Update and Stormwater Management Discussion (Supplement 1)

6. PLANNING COMMISSION REPORT (Chair Grogman)

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. Determination of Impermeable Coverage

FIRST READING OF ORDINANCE 24-023 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA AMENDING THE CODE OF ORDINANCES TO DEEM ELEVATED BEACH DUNE WALKOVERS AS PERMEABLE UNDER CERTAIN CONDITIONS; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE II, SITE PREPARATION, SECTION 86-42, DETERMINATION OF IMPERMEABLE COVERAGE, 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 24-023](#)

[Staff Report \(Planning Commission 8.27.24\)](#)

[FDEP Beach and Dune Walkover Guidelines](#)

[PC Resolution 24-16](#)

b. Filing Procedure for Development Permits

FIRST READING OF ORDINANCE 24-024 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA AMENDING THE CODE OF ORDINANCES TO UPDATE FILING PROCEDURE FOR DEVELOPMENT PERMIT APPLICATIONS; SUBPART B OF THE LAND DEVELOPMENT CODE, CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 2, PROCEDURE, SUBDIVISION I, GENERALLY, SECTION 82-382, FILING PROCEDURE, FOR THE PURPOSE OF UPDATING THE LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Attachments:

[Agenda Memorandum](#)

[Ordinance 24-024](#)

[PC Resolution 24-17](#)

11. 9:10 - SECOND READING AND PUBLIC HEARING**a. Contract & Purchasing Policy**

ORDINANCE 24-021 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATING TO CHAPTER 2, ADMINISTRATION, ARTICLE VI, FINANCE, DIVISION 4, CONTRACTS AND PURCHASES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Attachments: [Agenda Memorandum](#)
 [Ordinance 24-021](#)
 [11-03 Purchasing Policy](#)
 [Business Impact Estimate](#)

b. General Employee Pension Board

ORDINANCE 24-022 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 50, PERSONNEL, ARTICLE IV, GENERAL EMPLOYEES' RETIREMENT PLAN, SECTION 50-483(b), BOARD OF TRUSTEES, TO DECREASE THE NUMBER OF TRUSTEES TO FIVE, THREE TO BE CITY COUNCIL APPOINTED AND TWO TO BE ELECTED BY THE PLAN MEMBERSHIP; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Agenda Memorandum](#)
 [Ordinance 24-022](#)
 [Business Impact Estimate](#)

12. DISCUSSIONS OF DRAFT LEGISLATION**a. Open Body of Water**

ORDINANCE 24-XXX OF THE CITY COUNCIL OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES IN RELATION TO OPEN BODY OF WATER; AMENDING SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 78, GENERAL PROVISIONS, SECTION 78-1, RULES OF CONSTRUCTION AND DEFINITIONS; CHAPTER 82, ADMINISTRATION, ARTICLE IV, DEVELOPMENT PERMITS, DIVISION 1, GENERALLY, SECTION 82-363, ENVIRONMENTAL ASSESSMENT REPORT; DIVISION 2, PROCEDURE, SUBDIVISION I, GENERALLY, SECTION 82-382, FILING PROCEDURE; CHAPTER 86, DEVELOPMENT STANDARDS, ARTICLE II, SITE PREPARATION, CREATING A NEW SECTION, SECTION 86-45, DETERMINATION AND DELINEATION OF OPEN BODY OF WATER; CHAPTER 118, UTILITIES, ARTICLE II, WATER, SECTION 118-59, DEFINITIONS; CHAPTER 126, ZONING, ARTICLE VI, DISTRICTS GENERALLY, CREATING A NEW SECTION, SECTION 126-250, ADMINISTRATIVE WAIVER FROM OPEN BODY OF WATER SETBACK;

ARTICLE XIV, SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 2, ACCESSORY STRUCTURES, SECTION 126-852, REQUIREMENTS; AND DIVISION 3, BUILDING AND AREA REQUIREMENTS, SUBDIVISION III, LOTS, SECTION 126-977, LOTS WITH OPEN BODIES OF WATER, 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](#)

[Attachment A - Water Table Monitoring Wells Map 30 July 2024](#)

[Attachment B - Planning Memorandum from 9/10/24 Public Hearing](#)

[Ordinance 24-XXX](#)

[PC Resolution 24-18](#)

13. QUASI-JUDICIAL HEARING

a. Conditional Use Permit Approval

RESOLUTION 24-067 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, DETERMINING CONDITIONAL USE PERMIT APPLICATION CUP-2024-000244 PURSUANT TO SECTIONS 82-204, 126-82, AND 126-104 OF THE CODE OF ORDINANCES, TO ALLOW A COMMERCIAL RETAIL USE WITH MORE THAN 2,000 SQUARE FEET OF COMMERCIAL FLOOR AREA IN THE TOWN CENTER GENERAL COMMERCIAL DISTRICT, ON PROPERTY OWNED BY ALOHA APOLLO, LLC, AND LOCATED AT 2400 PALM RIDGE ROAD, TAX PARCEL NO. 26-46-22-T2-0030E.0130, MORE FULLY DESCRIBED HEREIN; AND PROVIDING AN EFFECTIVE DATE

Attachments:

[Agenda Memorandum](#)

[Resolution 24-067](#)

[PC Resolution 24-19](#)

[Staff Report \(Planning Commission 092424\)](#)

14. 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. BUSINESS ITEMS

- i. Adoption of Minutes - September 9, 2024 Regular Meeting; September 9, 2024 First Budget Hearing; September 23, 2024 Final Budget Hearing

Attachments:

[September 9, 2024 Regular Meeting Minutes](#)

[September 9, 2024 First Budget Hearing Minutes](#)

- ii. Approval of Amendment No. 1 to Florida Department of Environmental Protection (FDEP)

Resilient Florida Grant 22PLN82 for the City of Sanibel Comprehensive Vulnerability Assessment (VA) and authorize the City Manager to execute the same.

Attachments: [Agenda Memorandum](#)
 [Amendment No. 1](#)
 [Grant Agreement](#)

- iii. Approval of a proposal from Cummins Cederberg, Inc. for engineering and environmental consulting services for the City of Sanibel Comprehensive Vulnerability Assessment (VA) project authorized by Florida Department of Environmental Protection (FDEP) Resilient Florida Grant Agreement 22PLN82 in the amount of \$124,000 and authorize the City Manager to execute the agreement.

Attachments: [Agenda Memorandum](#)
 [Proposal](#)
 [Cummins Cederberg Inc. - Library of Consultants 2023 - PW24-001](#)

- iv. Approval of an Interlocal Agreement between the Lee County Sheriff's Office and the City of Sanibel for Use of the Hexagon OnCall Dispatch CAD/Mobile and Records Management System, and authorize the City Manager to execute same (Supplement 1)

Attachments: [Agenda Memorandum - Supplement 1](#)
 [Interlocal Agreement - Supplement 1](#)
 [2023 LCSO Restatement - Supplement 1](#)

CONSENT ITEMS PULLED FOR DISCUSSION

15. INFORMATIONAL ITEMS

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

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

- b. Water Quality Report from Natural Resources Department

Attachments: [Agenda Memorandum](#)

16. OLD BUSINESS

- a. 2025 Legislative Priorities Discussion

Attachments: [Agenda Memorandum](#)

17. NEW BUSINESS

- a. **RESOLUTION 24-068 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, SUPPORTING COMMUNITY HOUSING & RESOURCES' (CHR) GRANT**

APPLICATION TO LEE COUNTY REQUESTING FIVE MILLION DOLLARS IN COMMUNITY DEVELOPMENT BLOCK GRANT - DISASTER RECOVERY (CDBG-DR) FUNDING TO CONSTRUCT TWENTY NEW AFFORDABLE HOUSING UNITS IN SANIBEL; AND PROVIDING AN EFFECTIVE DATE.

Attachments:

[Agenda Memorandum](#)

[Resolution 24-068](#)

[CHR Letter Requesting City Support - CDBG-DR Application](#)

18. CITY MANAGER'S REPORT

19. CITY ATTORNEY'S REPORT

20. COUNCIL MEMBERS' REPORTS

21. PUBLIC COMMENT

22. ADJOURNMENT

Added to the Record

Attachments:

[5a Surface Water Management Hurricane Helene PowerPoint](#)

[12a Open Body of Water PowerPoint](#)

[13a Bubbly Latitude PowerPoint](#)

[13a Ex-parte Communication Forms](#)

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.**