



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final City Council

Tuesday, March 3, 2015

9:00 AM

City Hall

1. Call to Order / Roll Call

2. Invocation and Pledge of Allegiance (Councilman Harrity)

3. Presentation(s):

- a. Employee of the 1st Quarter, Fiscal Year 2015

Attachments: [FY15 1st Qtr Congratulations Letter](#)

4. Planning Commission Report (Vice Chair Chris Heidrick)

5. Public Comments for non-Agenda items

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

6. Council Comments

7. 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. **ORDINANCE 15-006 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 82 "ADMINISTRATION", ARTICLE III, "PLANNING COMMISSION", DIVISION 3, "SPECIFIC AUTHORITY", AND ARTICLE IV "DEVELOPMENT PERMITS", DIVISION 2, "PROCEDURE", SUBDIVISION III, "LONG FORM", AND CHAPTER 90 "FEES", ARTICLE IV "PUBLIC HEARINGS", DIVISION 8 "VARIANCES"; AMENDING SECTION 82-116. "VARIANCES, TEMPORARY USES, CONDITIONAL USES" - ADDING LANGUAGE RELATING TO WAIVERS; AMENDING SECTION 82-117. "AUTHORIZATION" - ADDING THE TERM WAIVERS; RENUMBERING SECTIONS 82-342-82-360. "RESERVED" AS 82-342-82-350; ADDING A NEW SUBDIVISION XIII (SECTION 82-351), "WAIVERS TO LAWFULLY EXISTING NONCONFORMING STRUCTURES AND PROPERTIES LOCATED IN THE GENERAL, TOWN CENTER GENERAL AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS" - ESTABLISHING A PUBLIC NOTICE AND HEARING PROCESS FOR THE PLANNING COMMISSION TO CONSIDER SPECIFIC WAIVER REQUESTS TO ALLOW IMPROVEMENTS TO LAWFULLY EXISTING NONCONFORMING PARCELS, BUILDINGS AND STRUCTURES LOCATED WITHIN THE GENERAL, TOWN CENTER GENERAL AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS; ADDING A NEW SECTION 82-352-82-360. "RESERVED";**

AMENDING SECTION 82-421. "APPLICATION" - ADDING THE TERM WAIVER; ADDING A NEW SECTION 90-489, "APPLICATIONS FOR WAIVERS TO CERTAIN REQUIRED CONDITIONS FOR THE GENERAL, TOWN CENTER GENERAL AND TOWN CENTER LIMITED COMMERCIAL DISTRICTS INVOLVING NONCONFORMING BUILDINGS AND STRUCTURES" - SETTING AN APPLICATION FEE; RENUMBERING SECTIONS 90-489-90-500. "RESERVED" AS 90-490-90-500; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Attachments:

[ORD 15-006](#)

[Planning Commission Resolution 15-005](#)

[Staff Report dated 01-27-15](#)

[Planning Commission Meeting 01-27-15 PowerPoint](#)

[Staff Report dated 12-09-14](#)

8. SECOND READING AND PUBLIC HEARING

- a. **ORDINANCE 15-004 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 "ZONING", ARTICLE XIV, "SUPPLEMENTARY DISTRICT REGULATIONS", ADDING, AMENDING AND RENUMBERING SECTIONS IN DIVISION 4 - "OUTDOOR LIGHTING"; AMENDING SECTION 126-996. "DEFINITIONS" - ADDING UNSHIELDED LIGHTING, POLE-MOUNTED LIGHTING, LANDSCAPING LIGHTING, AND PATHWAY LIGHTING DEFINITIONS; CLARIFYING UPLIGHTING DEFINITION; AND AMENDING SECTION 126-997. "OUTDOOR LIGHTING GENERALLY" - REDEFINING APPLICABILITY PROVISIONS, ESTABLISHING NEW CONSTRUCTION STANDARDS AND EXEMPTIONS REGARDING UNSHIELDED POLE-MOUNTED LIGHTING, UPLIGHTING, LANDSCAPE LIGHTING AND PATHWAY LIGHTING, ADDRESSING EXISTING NONCONFORMING LUMINAIRES; PROHIBITING UNSHIELDED POLE-MOUNTED LIGHTING AND UPLIGHTING; PROVIDING A PROHIBITION DATE; AND REPEALING "APPENDIX A" IN SECTION 126-997. "OUTDOOR LIGHTING GENERALLY" GRAPHICALLY ILLUSTRATING NONCONFORMING AND CONFORMING LUMINAIRES AND MODIFYING EXISTING FIXTURES; AND ADDING "APPENDIX A, APPENDIX B AND APPENDIX C - CITY OF SANIBEL DARK SKY LIGHT FIXTURE GUIDE" IN SECTION 126-997. "OUTDOOR LIGHTING GENERALLY" ILLUSTRATING COMPLIANT AND NONCOMPLIANT LUMINAIRES; AND ADDING A NEW SECTION 126-998. "CERTIFICATE OF LUMINAIRE COMPLIANCE" - ESTABLISHING A VOLUNTARY CITY DATABASE INDICATING PROPERTY STATUS REGARDING LUMINAIRE COMPLIANCE; AND RENUMBERING SECTION 126-998. "BEACH WALKOVER LIGHTING" AS 126-999; AMENDING SAME TO ESTABLISH ARTIFICIAL LIGHT ILLUMINATION LEVEL LIMITS; AND RENUMBERING SECTION 126-999. "BEACHFRONT LIGHTING FOR MARINE TURTLE PROTECTION - NEWLY INSTALLED ARTIFICIAL LIGHTING SOURCES" AS 126-1000; AMENDING SAME TO UPDATE EXTERIOR ARTIFICIAL LIGHT FIXTURE AND LAMP REQUIREMENTS; AND RENUMBERING SECTION 126-1000. "SAME - EXISTING ARTIFICIAL LIGHTING SOURCES" AS 126-1001; AMENDING SAME TO UPDATE FIXTURE AND LAMP REQUIREMENTS; AND RENUMBERING SECTION 126-1001. "ALTERNATIVE LIGHTING**

PLAN” AS 126-1002; AND RENUMBERING SECTION 126-1002. “INTERPRETATION” AS 126-1003; AND RENUMBERING SECTIONS 126-1003 - 126-1020. “RESERVED” TO 126-1004 - 126-1020; AND SPECIFYING THAT COMPLIANCE WITH MARINE TURTLE LIGHTING IS CURRENTLY REQUIRED AND IS NOT BEING AFFECTED BY THE AMENDMENT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

Attachments:

[Cover Sheet](#)

[Planning Director Memorandum dated 012715](#)

[Ordinance 15-004](#)

[Staff Report dated 011315](#)

[Planning Commission Resolution 15-003](#)

[City Attorney Memorandum dated 012815](#)

[City Attorney Memorandum dated 022415](#)

- b. ORDINANCE 15-005 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 90, FEES, ARTICLE II DEVELOPMENT PERMITS, ADDING, AMENDING AND RENUMBERING SECTIONS IN DIVISION 4, ACCESSORY USES AND STRUCTURES; AMENDING SECTION 90-110 TO ESTABLISH A FEE FOR DEVELOPMENT PERMIT APPLICATIONS FILED FOR AN OSPREY NESTING PLATFORM AND RENUMBERING SECTION 90-110, USES AND STRUCTURES NOT SPECIFICALLY LISTED, AS 90-111; PROVIDING FOR REPEAL; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Attachments:

[Ordinance 15-005 development permit fee reduced](#)

9. 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. RESOLUTION 15-015 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2015-015; AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate \$25,000 in grant funding from the U.S. Fish and Wildlife Service for the Sanibel Bayous Package Plant Restoration Project. These were previously approved grant funds that were not included in the adopted FY15 budget. This amendment increases the FY2015 budget by \$25,000)

Attachments:

[RES 15-015](#)

[RES 15-015 Staff Memo](#)

- b. RESOLUTION 15-016 ADOPTING A COST ALLOCATION PLAN, (ALSO KNOWN AS AN INDIRECT COST PLAN) FOR THE FISCAL YEAR 2014-15; AUTHORIZING THE CITY MANAGER TO EXECUTE THE CERTIFICATE OF COST ALLOCATION PLAN IN ACCORDANCE WITH THE REQUIREMENTS OF OMB CIRCULAR A-87 AND FULL COST PLAN; AUTHORIZING THE DISTRIBUTION OF THE CENTRAL SERVICE OVERHEAD COSTS TO QUALIFYING GRANTS AND ENTERPRISE FUNDS; ESTABLISHING THAT REGULAR UPDATES TO THE COST ALLOCATION PLAN BE MADE; AND ESTABLISHING AN EFFECTIVE DATE AND RESOLUTION 15-017 APPROVING BUDGET**

AMENDMENT/TRANSFER NO. 2015-014 AND PROVIDING AN EFFECTIVE DATE (Based on the FY14 completed indirect cost study, adjust expense in the following funds: 1) Building Department Fund increase expense by \$4,290; 2) Ballfield Maintenance Fund increase expense by \$25,015; 3) Sewer Fund decrease expense by \$5,101; 4) Beach Parking Fund increase enforcement expense by \$36,083 and maintenance expense by \$8,479. Increase revenue to the general fund by \$68,766. Increase revenue to the ballfield maintenance fund by \$25,015 (includes \$15,603 transfer from general fund). This total amendment increases the FY 2015 budget by \$93,781)

Attachments:

[RES 15-016](#)

[RES 15-016 Full Cost Allocation Plan FY2014](#)

[RES 15-016 Comparison of FY 2014 to FY 2013](#)

[RES 15-017](#)

- c. **RESOLUTION 15-019 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2015-016; AND PROVIDING AN EFFECTIVE DATE** (To budget receipt of \$2,300 from the Foundation of the Rotary Club of Fort Myers South to support the Sanibel Police School Resource Officer Program. This amendment increases the FY2015 budget by \$2,300)

Attachments:

[RES 15-019](#)

[RES 15-019 Staff Memo](#)

- d. Approval of Minutes - February 03, 2015 Regular Meeting

Attachments:

[City Council February 3, 2015 Draft Minutes](#)

- e. Approval of an agreement between Sanibel Flag Football League, Inc. and the City of Sanibel to provide various youth programs and authorize the City Manager to execute same

Attachments:

[Sanibel Flag Football League, Inc., Youth Baseball and Softball Agreement 201](#)

- f. Approve the use of Paints and Coatings, Inc. to rehabilitate lift stations and manholes utilizing City of Cape Coral contract #CON-UT14-15/TM pricing; this pricing will remain valid until August 12, 2017 (these services are being procured as a “piggy backing” purchase and therefore competitive procurement methods are not required and are hereby waived)

Attachments:

[Lift Station and Manhole Rehabilitation staff memorandum](#)

[Cape Coral Contract #CON-UT14-15 TM Pricing](#)

[Donax Headworks Chamber Quote](#)

[Donax In Plant Lift Station Quote](#)

- g. Approval of an agreement between the City of Sanibel and Kimberly Kouril to provide Yoga instruction at the Recreation Center and authorize the Mayor to execute same

Attachments:

[Agreement with Kimberly Kouril](#)

[Email from Yali Zawady](#)

- h. Approval of Memorandum of Understanding between Sanibel Police Department and the Department of Highway Safety for the Drivers License and/or Motor Vehicle Record Data Exchange and authorize Police Chief Bill Tomlinson to execute same

Attachments: [Data Exchange MOU revision memorandum dated 9-8-2014](#)
[Data Exchange Memorandum of Understanding](#)
[Data Exchange MOU Attachment 1](#)

- i. Approval under the City's emergency procurement policy for replacement of MacKenzie Hall, Legal Office air conditioning systems and repairs to the Administrative Wing IT room with FHSI Mechanical Contractor in the amount of \$95,642

Attachments: [City Hall air conditioning staff report](#)
[MacKenzie Hall Proposal](#)
[Administration and IT Proposal](#)
[City Attorney Office Proposal](#)

- j. Request from Sanibel Historical Museum & Village to serve 2 oz. of alcohol at the "Garden Party and Dance" held at 950 Dunlop Road on March 19, 2015

Attachments: [Request from Sanibel Historical Museum & Village](#)

- k. Approve the repair and recondition of the existing Parkson Bar/Filter Screens used for grit removal to Parkson Corporation; this item is being procured as a sole source purchase and therefore competitive procurement methods are not required and are hereby waived as a sole source in the amount of \$75,090

Attachments: [Parkson Bar Screen staff memorandum](#)
[Parkson Bar Screen Quotation](#)
[Parkson Bar Screen Sole Source](#)

- l. Approve the purchase of a ½ ton extended cab pickup truck with 4-wheel drive from Bartow Ford for a cost of \$26,092

Attachments: [Pickup Truck Purchase staff memorandum](#)

10. OLD BUSINESS

- a. Water Quality Issues
- i. Reports from Director Evans
 - 1. Report regarding Lake Okeechobee releases
 - 2. Department of Environmental Protection awards \$1 million for Restoration of St. Lucie and Caloosahatchee Estuaries
 - 3. South Florida Water Management District (SFWMD) begins pumping water operations at several water storage sites
 - 4. Correspondence dated February 19, 2015 from the Audubon of Southwest Florida endorsing the watershed white paper
 - 5. Correspondence dated February 19, 2015 and Resolution 15R-02-34 from City of Lauderhill endorsing the watershed white paper
 - 6. Letter dated February 20, 2015 from Commissioner Adam H. Putnam, Department of Agriculture and Consumer Service regarding Council's support in purchasing the Bond property as part of the Charlotte Harbor Flatwoods Florida Forever Project
 - 7. Blind Pass Area Status Reports
 - i. Erosion southeast of Blind Pass

- ii. Silting of Blind Pass
- iii. Request for Tourism Development Council (TDC) funds

Attachments:

[DEP award](#)
[SWFWMD water storage](#)
[Audubon of SWF white paper endorsement](#)
[City of Lauderhill white paper endorsement](#)
[Adam Putnam thank you letter](#)
[Blind Pass Erosion Overview dated 2-11-15](#)
[Blind Pass Erosion Photos 2-2-15 to 2-10-15](#)
[Correspondence from LCEC dated February 18, 2015](#)
[LCEC anchor extensions repair locations](#)
[Request for TDC funds](#)

- b. Resident feedback regarding the Dunes Neighborhood Traffic Follow-up

11. COMMITTEE BOARDS COMMISSION

- a. Report regarding the Lee County Human Services Committee by Jean Ann DeWalt

12. CITY MANAGER

- a. Informational Items
 - i. Public Works Staff Reports
 - 1. CIP Monthly Report
 - 2. Grease Trap Report

Attachments:

[CIP Report](#)
[Grease Trap Report](#)

- b. ii. Recreation Staff Reports
 - 1. Revenue and Membership Report

Attachments:

[Recreation Revenue and Membership Report](#)

- c. iii. Legislative Monthly Report

Attachments:

[Legislative Report](#)

- d. iv. Building Department Monthly Permit and Revenue Report

Attachments:

[Monthly Permit Report](#)
[Monthly Revenue Report](#)

- e. v. Planning Department Reports
 - 1. Permit Activity Report
 - 2. Code Enforcement Activity Report
 - 3. Project Task List Report

Attachments: [Permit Activity Report](#)
[Code Enforcement Activity Report](#)
[Project Task List Report](#)

- f. vi. January 2015 Causeway Counts Report

Attachments: [Causeway Counts Memo](#)

- g. vii. Community Housing and Resources (CHR) Monthly Financial Report for December 31, 2015

Attachments: [CHR Quarterly Report](#)

- h. viii. City Investment Reports

1. Treasury Investment Performance Report for Quarter ending December 31, 2014 by Burgess Chambers and Associates

2. Investment Portfolio Report for Quarter ending December 31, 2014 by Integrity Fixed Management, LLC

Attachments: [Treasury Investment Performance Report](#)
[Investment Portfolio Report](#)

13. CITY ATTORNEY'S REPORT

14. COUNCIL MEMBER'S REPORT

- a. General Employee Pension Fund Report GASB 25 and 67 Funding Progress (Vice Mayor Congress)

Attachments: [Pension Plan Statement](#)

- b. Police Pension Fund Report GASB 25 and 67 Funding Progress (Councilman Denham)

Attachments: [Pension Plan Report](#)

- c. Southwest Florida Regional Planning Council letter of support request (Vice Mayor Congress)

Attachments: [Letter of Support](#)

Horizon Council Invitation

Attachments: [Horizon Council Invitation](#)

Regional Planning Council Resolution

Attachments: [SWFRPC draft resolution](#)

15. PUBLIC COMMENT

16. 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 JIM ISOM, DIRECTOR OF ADMINISTRATIVE SERVICES, 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

a. HORIZON - UPCOMING IMPORTANT DATES

Tuesday	April 07, 2015	City Council Meeting Annual Election of Mayor/Vice Mayor	MacKenzie Hall	9:00 a.m.
Tuesday	May 05, 2015	City Council Meeting	MacKenzie Hall	9:00a .m.
Friday	May 08, 2015	Victory in Europe Day		
Monday	May 25, 2015	City Hall Closed in observance of Memorial Day		
Tuesday	June 02, 2015	City Council Meeting	MacKenzie Hall	9:00 a.m.
Saturday	June 06, 2015	D-Day		
Friday	July 03, 2015	City Hall Closed in observance of Independence Day		
Saturday	July 04, 2015	City Hall Closed in observance of Independence Day		
Tuesday	July 21, 2015	City Council Meeting Set proposed Millage rate	MacKenzie Hall	9:00 a.m.
Tuesday	August 04, 2015	City Council Meeting	MacKenzie Hall	9:00 a.m.
Friday	August 14, 2015	Victory in Japan Day		

Saturday	September 12, 2015	First Budget Hearing Regular Meeting	MacKenzie Hall	9:00 a.m. 11:00 a.m.
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Monday & Tuesday September 14, 2015 Rosh Hashanah begins at sunset through Tuesday, September 15, 2015

Tuesday	September 22, 2015	City Council Meeting Final Budget Hearing	MacKenzie Hall	9:00 a.m. 5:01 p.m.
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Wednesday	September 23, 2015	Yom Kippur		
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Tuesday	October 06, 2015	City Council Meeting	MacKenzie Hall	9:00 a.m.
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Tuesday	November 03, 2015	City Council Meeting	MacKenzie Hall	9:00 a.m.
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Wednesday	November 11, 2015	City Hall will be closed in observance of Veterans Day		
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Thursday & Friday	November 26 & 27	City Hall will be closed in observance of Thanksgiving		
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Tuesday	December 01, 2015	City Council Meeting	MacKenzie Hall	9:00 a.m.
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Friday	December 04, 2015	Student Government Day		10:15 a.m.
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Monday	December 07, 2015	Pearl Harbor Day		
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Friday	December 25, 2015	City Hall will be closed in observance of Christmas		
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“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.**