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City of Sanibel

800 Dunlop Road Sanibel, FL 33957

Meeting Agenda - Final Revised City Council

Tuesday, February 7, 2023

9:00 AM

BIG ARTS - 900 Dunlop Road

AS OF 2/6/23 SUPPLEMENT 2 – ADDED CONSENT RESOLUTIONS ITEM 11(a)(v); MOVED INFORMATIONAL ITEM 12(e) TO OLD BUSINESS ITEM 13(f); ADDED INFORMATION TO OLD BUSINESS ITEM 13(c); AS OF 2/3/22 SUPPLEMENT 1 – ADDED PRESENTATION ITEM 4(a); MOVED INFORMATIONAL ITEMS FROM AFTER NEW BUSINESS TO AFTER CONSENT AGENDA; ADDED INFORMATION TO CONSENT AGENDA ITEMS 11(a)(iii), 11(b)(i); INFORMATIONAL ITEM 12(a); OLD BUSINESS ITEM 13(e); NEW BUSINESS ITEM 14(b); MOVED CONSENT ITEM 11(a)(iv) TO 11(b)(vii) AND ADDED INFORMATION

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 (Councilman Crater)
- 3. ROLL CALL
- 4. PRESENTATION(S)
 - **a.** Recognition of Officer Robert Feliciano upon his retirement from the City of Sanibel Police Department Supplement 1

Attachments: Robert Feliciano Proclamation - Supplement 1

- **b.** Employee of the Quarter Recognition
- **c.** Berry Dunn Recreation Comprehensive Assessment Presentation

<u>Attachments:</u> <u>Agenda Memorandum</u>

PowerPoint Presentation

Comprehensive Assessment, Analysis & Evaluation Report

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5. HURRICANE IAN RECOVERY UPDATE

(PowerPoint Presentation to be added during the meeting)

Added to the Record

<u>Attachments:</u> Hurricane Ian Update - PowerPoint Presentation

6. PLANNING COMMISSION REPORT (Vice Chair Pfeifer)

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. 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. **Architectural Design Requirements - Multi-family** ORDINANCE 23-006 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO ARCHITECTURAL DESIGN REQUIREMENTS FOR MULTIFAMILY HOUSING TO ADD DEFINITIONS, CLARIFY REGULATORY LANGUAGE, AND ADDRESS DESIGN OF ELEVATED STRUCTURES TO ENSURE THAT REDEVELOPMENT WILL BE CONDUCTED CONSISTENT WITH ISLAND STYLE CHARACTER AND SCENIC PRESERVATION WITHIN THE BUILT ENVIRONMENT; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 86 - DEVELOPMENT STANDARDS, ARTICLE III. - RESIDENTIAL, DIVISION 3. - UNIFIED RESIDENTIAL HOUSING (CLUSTER HOUSING) AND MULTIFAMILY HOUSING, SUBDIVISION III. - MULTIFAMILY HOUSING, SECTION 86-169. -ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES; FOR THE PURPOSE OF AMENDING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

<u>Attachments:</u> <u>Agenda Memorandum</u>

Ordinance 23-006

b. Architectural Design Requirement for Commercial and Institutional Development ORDINANCE 23-007 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO ARCHITECTURAL DESIGN REQUIREMENTS FOR COMMERCIAL AND INSTITUTIONAL DEVELOPMENT TO ADD DEFINITIONS, CLARIFY REGULATORY LANGUAGE AND PROVIDE DESIGN STANDARDS FOR ELEVATED STRUCTURES TO ENSURE THAT REDEVELOPMENT WILL BE

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CONDUCTED CONSISTENT WITH ISLAND STYLE CHARACTER AND SCENIC PRESERVATION WITHIN THE BUILT ENVIRONMENT; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 - ZONING, ARTICLE VIII. - COMMERCIAL DISTRICTS, DIVISION 2. - GC GENERAL COMMERCIAL DISTRICT, SECTION 126-494. - REQUIRED CONDITIONS; DIVISION 3. - TCG TOWN CENTER GENERAL COMMERCIAL DISTRICT, SECTION 126-514. - REQUIRED CONDITIONS; AND DIVISION 4. - TCL TOWN CENTER LIMITED COMMERCIAL DISTRICT, SECTION 126-534. - REQUIRED CONDITIONS; AND ARTICLE XIV. - SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5. - COMMERCIAL AND INSTITUTIONAL USES GENERALLY, SECTION 126-1028. - ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES; FOR THE PURPOSE OF AMENDING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

<u>Attachments:</u> <u>Agenda Memorandum</u>

Ordinance 23-007

10. 9:10 - SECOND READING AND PUBLIC HEARING

a. Waiver of Development Fees

ORDINANCE 23-001 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ALLOW FOR A WAIVER OF DEVELOPMENT PERMIT FEES FOLLOWING A DISASTER, AMENDING CHAPTER 90, FEES, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; ARTICLE I, IN GENERAL, SECTION 90-5, EXEMPTIONS, IMMUNITIES, AND WAIVERS, TO ADD SUBSECTION (f)(4) ALLOWING FEES TO BE WAIVED FOR A SPECIFIC PERIOD OF TIME BY MAYORAL PROCLAMATION OR CITY COUNCIL RESOLUTION FOLLOWING A DISASTER, PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

<u>Attachments:</u> <u>Agenda Memorandum</u>

Ordinance 23-001

b. Building Fees

ORDINANCE 23-002 OF THE CITY COUNCIL OF THE CITY OF SANIBEL TO AMEND CHAPTER 14, BUILDING AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; ARTICLE IV, PERMITS, SECTION 14-188, FEE SCHEDULE, BY ADDING NEW SUBSECTIONS (13) AND (14) RELATING TO BUILDING PERMIT DISCOUNTS AND FEE WAIVERS IN CERTAIN INSTANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING AN EFFECTIVE DATE

<u>Attachments:</u> <u>Agenda Memorandum</u>

Ordinance 23-002

c. <u>Temporary Use Fees - Chapter 90</u>

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ORDINANCE 23-003 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND CHAPTER 90 - FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 8, TEMPORARY USES, SECTION 90-213, TEMPORARY STRUCTURE; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

<u>Attachments:</u> <u>Agenda Memorandum</u>

Ordinance 23-003

d. Resort Housing Development Regulations - Chapter 126

ORDINANCE 23-004 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCE TO UPDATE RESORT HOUSING DEVELOPMENT REGULATIONS, AMENDING SUBPART B LAND DEVELOPMENT CODE, 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

<u>Attachments:</u> Agenda Memorandum

Ordinance 23-004

e. <u>Parking Standards - Chapter 126</u>

ORDINANCE 23-005 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO AMEND THE CODE OF ORDINANCES RELATING TO OFF-STREET PARKING REQUIREMENTS AND LAND USE REGULATION WITHIN THE RESORT HOUSING DISTRICT TO STREAMLINE PERMIT PROCESSING AND AID REDEVELOPMENT; AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126, ZONING, ARTICLE XV, OFF-STREET PARKING AND LOADING, DIVISION 2, OFF-STREET PARKING, SUBDIVISION II, RESIDENTIAL USES, SECTION 126-1341, REQUIRED PARKING SPACES; ARTICLE IV, CONDITIONAL USES, SECTION 126-83, RESORT HOUSING ACCESSORY COMMERCIAL USES AND RELOCATING THOSE STANDARDS TO ARTICLE XII, RESORT HOUSING DISTRICT, ADDING SECTION 126-640, RESORT HOUSING ACCESSORY COMMERCIAL USES, FOR THE PURPOSE OF UPDATING LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: Agenda Memorandum

Ordinance 23-005

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. Waiver of Building Permit Demolition Fee
 RESOLUTION 23-004 OF THE CITY COUNCIL OF THE CITY OF SANIBEL,
 FLORIDA, WAIVING THE BUILDING PERMIT DEMOLITION FEE FOR A
 SIX-MONTH PERIOD RETROACTIVELY TO NOVEMBER 2, 2022, AND
 ENDING MAY 7, 2023 FOR ALL BUILDINGS SUBSTANTIALLY DAMAGED
 BY HURRICANE IAN; AND PROVIDING AN EFFECTIVE DATE

<u>Attachments:</u> <u>Agenda Memorandum</u>

Resolution 23-004

ii. Waiver of Temporary Structure Development Permit Fee
RESOLUTION 23-005 OF THE CITY COUNCIL OF THE CITY OF SANIBEL,
FLORIDA, WAIVING THE TEMPORARY STRUCTURE DEVELOPMENT
PERMIT FEE FOR A SIX-MONTH PERIOD RETROACTIVELY TO
NOVEMBER 2, 2022, AND ENDING MAY 7, 2023; AND PROVIDING AN
EFFECTIVE DATE

Attachments: Agenda Memorandum

Resolution 23-005

iii. Reduction in Emergency Repair Permit Fees

RESOLUTION 23-006 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, REDUCING PERMIT FEES CHARGED FOR EMERGENCY REPAIRS FOR BUILDING ALTERATIONS, ELECTRICAL PERMITS, MECHANICAL PERMITS, PLUMBING PERMITS, AND ROOF PERMITS, AS SUBMITTED ON THE CITY OF SANIBEL EMERGENCY REPAIR PERMIT FORMS BY 25% FOR A SIX-MONTH PERIOD, AND WAIVE THE FIRST REINSPECTION FEE FOR A SIX-MONTH PERIOD FOR ALL EMERGENCY REPAIR PERMITS; AND PROVIDING AN EFFECTIVE DATE

<u>Attachments:</u> <u>Agenda Memorandum</u>

Resolution 23-006 - Supplement 1

Resolution 23-006

iv. RESOLUTION 23-003 RATIFYING THE APPOINTMENT OF THREE MEMBERS TO THE CITY OF SANIBEL PLANNING COMMISSION TO FILL THREE-YEAR TERMS BEGINNING JANUARY 17, 2023 THROUGH MIDNIGHT, JANUARY 12, 2026; AND PROVIDING AN EFFECTIVE DATE

Attachments: Resolution 23-003

v. RESOLUTION 23-007 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, WAIVING THE DEVELOPMENT PERMIT, DEMOLITION OF A STRUCTURE FEE FOR A SIX-MONTH PERIOD RETROACTIVELY TO NOVEMBER 2, 2022, AND ENDING MAY 7, 2023 FOR ALL BUILDINGS

SUBSTANTIALLY DAMAGED BY HURRICANE IAN; AND PROVIDING AN EFFECTIVE DATE (Supplement 2)

<u>Attachments:</u> <u>Agenda Memorandum - Supplement 2</u>

Resolution 23-007 - Supplement 2

b. Business Items

i. Adoption of Minutes - January 17, 2023 Regular Meeting

Attachments: January 17, 2023 Minutes - Supplement 1

ii. Approval of a second two-year extension of Agreement 20-016 with Ferrier Enterprises, Inc. for exotic plant control and land management activities on City managed lands (this does not increase the FY2023 budget)

<u>Attachments:</u> <u>Agenda Memorandum</u>

<u>Ferrier Enterprises - 2nd Extension Letter</u> <u>Ferrier Enterprises - 1st Extension Letter</u> Ferrier Enterprises Agreement - 20-016

iii. Ratify the City Manager's emergency purchase authorization of a vac truck in the amount of \$473,151.05 through Environmental Products Group, Inc. utilizing the State Sourcewell Contract 101221

<u>Attachments:</u> <u>Agenda Memorandum</u>

Vactor Contract 101221

2022 Vactor 2100i Combo Sourcewell 101221-VTR eff 9-09-2022 (1)

2023 Vactor Proposal

Environmental Products Group - Sole Source Provider

FL Cities and Counties - 2021-2022

iv. Ratify the City Manager's emergency purchase authorization of a sweeper truck in the amount of \$152,688.62 through Jet-Vac Equipment Company LLC utilizing the State Sourcewell Contract 030619-MUL

<u>Attachments:</u> <u>Agenda Memorandum</u>

Sourcewell Cover Letter
Sourcewell Contract

Sourcewell Quote - Sweeper Truck

v. Approval of the proposal submitted by Tetra Tech, Inc. for bidding, construction observation services and construction closeout services for the Wulfert Wastewater Treatment Plant (WWTP) New Reclaimed Ground Storage Tank (GST) in the amount of \$168,820

<u>Attachments:</u> <u>Agenda Memorandum</u>

Agreement Exhibit A

Tetra Tech Agreement - November 2022

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vi. Approval of a three-year contract with CrownCastle in the amount of \$14,940 annually, for Internet Access for the Building and Planning Departments at 2475 Library Way, and authorize the City Manager to execute same

<u>Attachments:</u> <u>Agenda Memorandum</u>

Order and IP Address Request

vii. Second Amendment to City Manager Employment Agreement

Attachments: Agenda Memorandum - Supplement 1

2nd Amendment to City Manager Agreement - Supplement 1

CONSENT ITEMS PULLED FOR DISCUSSION

12. INFORMATIONAL ITEMS

a. Water Quality Issues

i. Reports from Natural Resources Department

Attachments: Water Quality Reports - Supplement 1

 Letter to Colonel James Booth, Jacksonville District Commander, US Army Corps of Engineers, expressing the City's appreciation for water quality efforts from Mayor Holly D. Smith, dated January 26, 2023

<u>Attachments:</u> Letter Dated January 26, 2023

b. Donax Wastewater Plant Update

Attachments: PowerPoint Presentation

c. Phase IV Update

<u>Attachments:</u> <u>Agenda Memorandum</u>

d. Hazard Mitigation Grant Program (HMGP) Update

<u>Attachments:</u> Agenda Memorandum - East Rocks

Agenda Memorandum - Tradewinds

13. OLD BUSINESS

a. Adoption of RESOLUTION 23-011 APPROVING BUDGET AMENDMENT 2023-004

AND PROVIDING AN EFFECTIVE DATE (To appropriate \$77,500 in professional fees and commitment fee related to the issuance of a \$20.0 million line of credit. The funding for this amendment is coming from the General Fund Available for Appropriation segment of Ending Fund Balance. This amendment does not increase the fiscal year 2023 budget.)

<u>Attachments:</u> <u>Cost of Issuance</u>

Resolution 23-011

b. Adoption of RESOLUTION 23-008 AUTHORIZING THE ISSUANCE OF ITS CITY OF SANIBEL, FLORIDA TAXABLE LINE OF CREDIT NOTE, SERIES 2023, IN THE PRINCIPAL AMOUNT OF NOT TO EXCEED \$20,000,000 TO REIMBURSE AND FUND DISASTER RELATED RECOVERY PROJECTS; PROVIDING THAT THE NOTE SHALL BE A LIMITED OBLIGATION OF THE CITY SECURED BY AND PAYABLE FROM NON-AD VALOREM REVENUES BUDGETED, APPROPRIATED AND DEPOSITED AS PROVIDED HEREIN; PROVIDING FOR THE RIGHTS, SECURITIES AND REMEDIES FOR THE OWNER OF THE NOTE; MAKING CERTAIN COVENANTS AND AGREEMENTS IN CONNECTION THEREWITH; AND PROVIDING AN EFFECTIVE DATE

Attachments: Agenda Memorandum

Resolution 23-008

c. Adoption of RESOLUTION 23-009 APPROVING BUDGET AMENDMENT 2023-003 AND PROVIDING AN EFFECTIVE DATE (To appropriate \$329,766 in funding to enter into an agreement with CityView to provide software related to the City's permitting and licensing processes. The funding for this amendment is coming from the Building Fund Ending Fund Balance. This amendment does not increase the fiscal year 2023 budget.)

Attachments: Agenda Memorandum - Supplement 2

Resolution 23-009 - Supplement 2
Services Agreement - Supplement 2

Software Subscription Agreement - Supplement 2

Proposal - Redacted - Supplement 2

Statement of Work Sanibel - Supplement 2

d. Outdoor Display of Merchandise

RESOLUTION 23-010 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AUTHORIZING OUTDOOR DISPLAY OF MERCHANDISE UNDER CERTAIN CONDITIONS FOR A TWELVE-MONTH PERIOD RETROACTIVELY TO SEPTEMBER 28, 2022, AND ENDING SEPTEMBER 28, 2023; AND PROVIDING AN EFFECTIVE DATE

Attachments: Agenda Memorandum

Resolution 23-010

e. Legislative Priorities Update

Attachments: Agenda Memorandum - Supplement 1

Sanibel Legislative Priorities - Supplement 1

f. Approval of Draft Fiscal Year 2024 Budget Adoption Calendar

<u>Attachments:</u> <u>Agenda Memorandum</u>

Draft Fiscal Year 2024 Budget Adoption Calendar

14. NEW BUSINESS

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a. Tentative Timeline for Consideration of Proposed Amendments Related to Green Building

Regulations

Attachments:

Agenda Memorandum

Green Building Timeline

b. RESOLUTION 23-012 OF THE CITY COUNCIL OF THE CITY OF SANIBEL RELATED TO QUASI-JUDICIAL PROCEEDINGS; PROVIDING A METHOD TO REMOVE THE PRESUMPTION OF PREJUDICE FROM EX PARTE COMMUNICATIONS

<u>Attachments:</u> <u>Agenda Memorandum - Supplement 1</u>

Resolution 23-012 - Supplement 1

- 15. CITY MANAGER'S REPORT
- 16. CITY ATTORNEY'S REPORT
- 17. COUNCIL MEMBERS' REPORTS
- 18. PUBLIC COMMENT
- 19. ADJOURNMENT

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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

<u>Attachments:</u> Horizon Schedule

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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.