



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final Revised City Council

Tuesday, April 2, 2024

9:00 AM

BIG ARTS - 900 Dunlop Road

Organizational Meeting

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.

AS OF 4/1/24 SUPPLEMENT 1 – UPDATED TITLE ON PRESENTATION 7(f); ADDED INFORMATION TO PRESENTATIONS 7(d), 7(f), 7(h), CONSENT AGENDA ITEM 15(b)(i), OLD BUSINESS ITEM 17(d), AND NEW BUSINESS ITEM 18(a); ADDED NEW INFORMATIONAL ITEM 16(h), AND OLD BUSINESS ITEM 17(e)

- 1. CALL TO ORDER**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilmember Smith)**
- 3. ROLL CALL**
- 4. ELECTION OF MAYOR AND OATH OF OFFICE (Meeting temporarily chaired by Attorney Agnew)**
- 5. ELECTION OF VICE MAYOR AND OATH OF OFFICE (Meeting chaired by Mayor)**

RECESS FOR PHOTO OF CITY COUNCIL

6. SET THE AGENDA

7. PRESENTATION(S)

- a.** Presentation of Summer Camp Programming Sponsorships from Kiwanis and Captiva Civic Association Foundation
- b.** Proclamation recognizing all Sanibel Police Department Dispatchers for National Public Safety

Telecommunicators Week

Attachments: [Proclamation](#)

- c. Proclamation recognizing the 50th Anniversary of the Children’s Education Center of the Islands (CECI)

Attachments: [CECI Proclamation](#)

- d. Proclamation declaring April 10, 2024, as Gopher Tortoise Day on Sanibel Island

Attachments: [2024 Gopher Tortoise Day Proclamation - Supplement 1](#)

- e. Recreation Staff Presentation on Proposed Transition to Robotic Mowing at the Ballfields

Attachments: [PowerPoint Presentation](#)

- f. Surface Water Management - West Basin - Weir Policy (Supplement 1)

Attachments: [Agenda Memorandum - Supplement 1](#)

[PowerPoint Presentation - Supplement 1](#)

[Surface Water Management and Weir Policy](#)

[Flooding as a Management Tool - April 1991 - Supplement 1](#)

[Report to Council - 1996 Surface Water Management System - Supplement 1](#)

[Sea Oats Plans and Plats - Supplement 1](#)

[Sea Oats Resident Inquiry Report - January 2022 - Supplement 1](#)

- g. Presentation of new Flood Plain Management Software

Attachments: [Agenda Memorandum](#)

[PowerPoint](#)

- h. Beach Nourishment Project Update (Supplement 1)

Attachments: [PowerPoint Presentation - Supplement 1](#)

8. PLANNING COMMISSION REPORT (Commissioner Steiner)

9. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

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

10. CITY COUNCIL COMMENTS

11. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS

12. 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. **Below Market Rate Housing**

ORDINANCE 24-007 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, AMENDING THE CODE OF ORDINANCES RELATED TO HOUSING STANDARDS AND POLICIES OF THE BELOW MARKET RATE HOUSING PROGRAM, 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 86-158, MINIMUM SIZE OF PARCEL, AND SECTION 86-159, MINIMUM WIDTH OF PARCEL; CHAPTER 90, FEES, ARTICLE II, DEVELOPMENT PERMITS, DIVISION 7, DEVELOPMENT PERMITS IMPLEMENTING CONDITIONAL USE APPROVAL, SECTION 90-178, INCREASED-DENSITY BELOW MARKET RATE HOUSING; ARTICLE IV, PUBLIC HEARINGS, DIVISION 4, CONDITIONAL USES, SECTION 90-393, INCREASED-DENSITY BELOW MARKET RATE HOUSING; CHAPTER 102, HOUSING, ARTICLE II, BELOW MARKET RATE HOUSING, DIVISION 3, BELOW MARKET RATE HOUSING RENTAL PROGRAM, BY ADDING SECTION 102-101, PURPOSE AND INTENT, AND AMENDING SECTION 102-102, QUALIFICATION AND RANKING OF APPLICANTS; AND AMENDING CHAPTER 126, ZONING, ARTICLE IV, CONDITIONAL USES, SECTION 126-85, INCREASED DENSITY BELOW MARKET RATE HOUSING; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Agenda Memorandum](#)
 [Ordinance 24-007](#)
 [Public Comments](#)

13. 9:10 - SECOND READING AND PUBLIC HEARING

a. **Milestone Inspections**

SECOND READING - ORDINANCE 24-006 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 14-324 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](#)
 [Ordinance 24-006](#)

14. DISCUSSIONS OF DRAFT LEGISLATION

a. Interim Council Member Appointments - Discussion Only

DISCUSSION ONLY - ORDINANCE 24-008 OF THE CITY COUNCIL OF THE CITY OF SANIBEL, FLORIDA, TO ALLOW THE CITY COUNCIL GREATER FLEXIBILITY IN DETERMINING INTERIM COUNCIL MEMBER APPOINTMENTS AND ANY NECESSARY SPECIAL ELECTION FOLLOWING A VACANCY IN ITS MEMBERSHIP BY AMENDING THE CITY'S CHARTER, ARTICLE III, LEGISLATIVE, SECTION 3.07, VACANCIES, FORFEITURE OF OFFICE; FILLING OF VACANCIES; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; PROVIDING FOR REFERENDUM; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Agenda Memorandum](#)
 [Draft Ordinance 24-008](#)

15. 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 24-020 APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$750,000 FOR DESIGN OF A RESILIENT BRIDGE TO REPLACE THE EAST PERIWINKLE BRIDGE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Agenda Memorandum](#)
 [Resolution 24-020](#)
 [State of Florida Department of Transportation Grant Agreement](#)

- ii. **RESOLUTION 24-021 APPROVING BUDGET AMENDMENT 2024-005 TO APPROPRIATE FUNDING FOR MONITORING SOFTWARE RELATED TO THE CITY'S DWELLING RENTAL PROGRAM.** (To appropriate \$27,018 in funding for monitoring software related to the City's dwelling rental program. General Fund ending fund balance available for appropriation. This amendment does not increase the fiscal year 2024 budget.)

Attachments: [Agenda Memorandum](#)
 [Resolution 24-021](#)
 [Granicus Proposal](#)

- iii. **RESOLUTION 24-022 APPROVING BUDGET AMENDMENT 2024-006 TO APPROPRIATE FUNDING FOR THE REPLACEMENT PURCHASE OF A BACKHOE FOR THE TRANSPORTATION DIVISION.** (To appropriate funding for the

replacement purchase of a backhoe for the Public Works Transportation Division. Insurance proceeds received in the General Fund and unspent budgeted proceeds from another purchase in the Transportations Operating Department are being transferred to the Transportation Capital Fund. This amendment additionally records the expected trade-in of the old vehicle. Various funding sources as indicated above. This amendment increases the fiscal year 2024 budget by \$227,287.)

Attachments: [Agenda Memorandum](#)
 [Resolution 24-022](#)

- iv. **RESOLUTION 24-023 APPROVING A GRANT AGREEMENT BETWEEN THE CITY OF SANIBEL AND THE STATE OF FLORIDA DEPARTMENT OF LAW ENFORCEMENT IN THE AMOUNT OF \$1,000,000 TO CONSTRUCT AN ELEVATED AND STORM RESILIENT SANIBEL POLICE DEPARTMENT BUILDING; AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING AN EFFECTIVE DATE.**

Attachments: [Agenda Memorandum](#)
 [Resolution 24-023](#)

b. BUSINESS ITEMS

- i. Adoption of Minutes - March 5, 2024 Regular Meeting (**Supplement 1**)

Attachments: [March 5, 2024 Minutes - Supplement 1](#)

- ii. Approval of renewal proposal with Granicus, LLC for Agenda Management Software in the amount of \$37,214.35 for year one, \$37,586.50 for year two, and \$38,338.23 for year three. (This item is included in the FY23 Adopted Budget)

Attachments: [Agenda Memorandum](#)
 [Proposal](#)
 [2021 Granicus Agreement](#)

- iii. Approval of ballfield maintenance contract with JSM Services, Inc. (piggyback of Lee County executed contract)

Attachments: [Agenda Memorandum](#)
 [JSM Services Executed Lee Co](#)
 [Ballfield Maintenance DRAFT Contract 032224](#)

- iv. Approve the purchase of a new John Deere 320P Backhoe from Deere & Company utilizing the Florida Sheriffs Association Contract for Vehicles and Equipment Contract Number FSA23-EQU21.0, through Dobbs Equipment in the amount of \$154,668.00. Also approve trade in of hurricane Ian destroyed John Deere 310SL backhoe unit number 299. (This proposed purchase does not increase the FY 24 Streets budget.)

Attachments: [Agenda Memorandum](#)
 [Dobbs Equipment Quote](#)
 [Bid Award](#)
 [Florida Sheriffs Association Bid FSA23-EQU21.0](#)

- v. Renewal of a contract with Professional Account Management, LLC for Parking Citation Processing Services

Attachments: [Agenda Memorandum](#)
 [Sanibel Agreement](#)
 [Schedule A - Pricing](#)
 [Sole Source Justification](#)

- vi. Sanibel School Fund temporary fundraising sign request at Bank of the Islands, 1699 Periwinkle Way

Attachments: [Agenda Memorandum](#)
 [Request from Sanibel School Fund](#)
 [SSF 2024 Raffle Sign](#)

CONSENT ITEMS PULLED FOR DISCUSSION

16. INFORMATIONAL ITEMS

- a. Donax Update

Attachments: [PowerPoint Slides](#)

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

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

- c. Water Quality Report from Natural Resources Department

Attachments: [Agenda Memorandum](#)
 [Letter to USACE regarding Lake O Releases Dated 3/18/24](#)

- d. Sanibel Causeway Traffic Counts for February and Fiscal and Calendar Year 2024

Attachments: [Agenda Memorandum](#)

- e. Finance Department Reports

- i. General Fund quarterly financial report for the first quarter of fiscal year 2024
- ii. Recreation Fund quarterly financial report for the first quarter of fiscal year 2024
- iii. Building Fund quarterly financial report for the first quarter of fiscal year 2024
- iv. Sewer Fund quarterly financial report for the first quarter of fiscal year 2024
- v. Beach Parking Fund quarterly financial report for the first quarter of fiscal year 2024

- vi. Fiscal Year 2024 1st Quarter Investment Report prepared by the City's Investment Manager

Attachments: [Agenda Memorandum](#)
 [1st Quarter Investment Portfolio Report](#)

- f. Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers' Association (GFOA) for the City's Annual Comprehensive Financial Report (ACFR) for Fiscal Year 2022.

Attachments: [Agenda Memorandum](#)
 [GFOA Memorandum](#)
 [Award of Financial Reporting](#)
 [Link to Fiscal Year 2022 Annual Comprehensive Financial Report](#)

- g. Community Housing and Resources, Inc. Audited Financial Statements for Fiscal Year 2023

Attachments: [Agenda Memorandum](#)
 [CHR Financial Statements for Fiscal Year 2023](#)

- h. Shared Use Path Master Plan Update (**Supplement 1**)

Attachments: [Agenda Memo - Supplement 1](#)

17. OLD BUSINESS

- a. Phase 4B Sewer Assessment Public Hearing (**Continued from March 5, 2024**)

- i. Agenda Memorandum

Attachments: [Agenda Memorandum](#)

- ii. **Phase 4B Sewer Assessment**

RESOLUTION 24-015 OF THE SANIBEL CITY COUNCIL TO DETERMINE THE PROPRIETY AND ADVISABILITY OF ESTABLISHING AND IMPLEMENTING THE SANIBEL SEWER SYSTEM PHASE 4-B EXPANSION PROJECT ASSESSMENT DISTRICT, WHICH INCLUDES CERTAIN PROPERTIES IN SANIBEL GARDENS (ALSO REFERRED TO AS PHASE 4, AREA B); CERTAIN PROPERTIES ON TAMARIND ROAD (ALSO REFERRED TO AS PHASE 4, AREA C); CERTAIN PROPERTIES IN THE WINTERBOTHAM AREA (ALSO REFERRED TO AS PHASE 4, AREA D); CERTAIN PROPERTIES ON FERRY ROAD (ALSO REFERRED TO AS PHASE 4, AREA F); AND CERTAIN PROPERTIES ON MIDDLE GULF DRIVE (ALSO REFERRED TO AS PHASE 4, AREA G) AND THE FUNDING THEREOF PURSUANT TO CHAPTER 170, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Resolution 24-015](#)

iii. **Equalization Board - Phase 4B Sewer Assessment District**

RESOLUTION 24-016 OF THE CITY COUNCIL OF THE CITY OF SANIBEL SITTING AS THE SANIBEL EQUALIZATION BOARD; EQUALIZING AND APPROVING A SPECIAL ASSESSMENT FOR THE SANIBEL SEWER SYSTEM PHASE 4-B EXPANSION PROJECT ASSESSMENT DISTRICT, WHICH INCLUDES CERTAIN PROPERTIES IN SANIBEL GARDENS (ALSO REFERRED TO AS PHASE 4, AREA B); CERTAIN PROPERTIES ON TAMARIND ROAD (ALSO REFERRED TO AS PHASE 4, AREA C); CERTAIN PROPERTIES IN THE WINTERBOTHAM AREA (ALSO REFERRED TO AS PHASE 4, AREA D); CERTAIN PROPERTIES ON FERRY ROAD (ALSO REFERRED TO AS PHASE 4, AREA F); AND CERTAIN PROPERTIES ON MIDDLE GULF DRIVE (ALSO REFERRED TO AS PHASE 4, AREA G); PROVIDING FOR PREPARATION AND FILING OF A FINAL ASSESSMENT ROLL FOR SAME; PROVIDING FOR CONFIRMATION OF THE PROJECT AND ASSESSMENT; AND PROVIDING AN EFFECTIVE DATE.

Attachments: [Resolution 24-016](#)

b. Appointment to the Lee County CDBG-DR Affordable Housing Committee

Attachments: [Agenda Memorandum](#)
[County Email Nominations Needed CDBG-DR Affordable Housing Committee](#)
[BOCC Agenda Item Report CDBG-DR Committee 3-5-2024](#)
[Lee County Resolution CDBG-DR Advisory Committee - Housing Development](#)
[Lee County CDBG-DR Advisory Committee Application](#)

c. City Owned Property on Library Way - Possible Use for Affordable Housing

Attachments: [Agenda Memorandum](#)

d. Consideration for Periwinkle Way/Causeway Boulevard/Lindgren Boulevard Intersection Study
(Supplement 1)

Attachments: [Agenda Memorandum - Supplement 1](#)
[Proposal - dated 3/2/24 - Kimley Horn - Supplement 1](#)
[Kimley-Horn and Associates Inc. - Current Agreement - Supplement 1](#)

e. **RESOLUTION 24-024 OF THE SANIBEL CITY COUNCIL DESIGNATING ONE CANDIDATE WHO HAS OFFICIALLY QUALIFIED FOR THE OFFICE OF SANIBEL CITY COUNCIL; FINDING AND DECLARING THAT THE QUALIFIED CANDIDATE IS UNOPPOSED FOR THE AVAILABLE CITY COUNCIL SEAT; FINDING AND DECLARING THAT PURSUANT TO THE SANIBEL CHARTER, THE SANIBEL CODE OF ORDINANCES, AND GENERAL LAW THAT SUCH QUALIFIED AND UNOPPOSED CANDIDATE HAS BECOME COUNCIL MEMBER-ELECT AND SHALL TAKE OFFICE AS CITY COUNCIL MEMBER ON JUNE 4, 2024; DECLARING THE CITY OF SANIBEL MUNICIPAL ELECTION SCHEDULED FOR MAY 21, 2024 IS HEREBY CANCELLED AS THERE ARE NO OTHER ELECTION**

**CONTESTS OR BALLOT MEASURES TO BE PRESENTED TO THE ELECTORATE
AT SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE (Supplement 1)**

Attachments: [Agenda Memorandum - Supplement 1](#)
 [Resolution 24-024 - Supplement 1](#)

18. NEW BUSINESS

- a. City Manager's Annual Performance Evaluation (Supplement 1)

Attachments: [Agenda Memorandum - Supplement 1](#)
 [City Manager Employment Agreement - Fourth Amendment - Supplement 1](#)
 [Annual Evaluation Review Summary - Supplement 1](#)

- b. Approval of a Memorandum of Understanding (MOU) to include Police Lieutenants in the Fraternal Order of Police (FOP) Police Sergeants bargaining unit and recognize Lieutenants as current bargaining unit members.

Attachments: [Staff Memorandum](#)
 [MOU Recognizing Police Lieutenants in FOP Police Sergeants CBA](#)

19. CITY MANAGER'S REPORT

20. CITY ATTORNEY'S REPORT

21. COUNCIL MEMBERS' REPORTS

22. PUBLIC COMMENT

23. ADJOURNMENT

Added to the Record

Attachments: [9 Public Comment - Allan Antley](#)
 [18a City Manager Evaluation and Compensation Survey](#)
 [18a City Manager Evaluation Ranking Sheet](#)
 [Resolution 24-025 - Council Term](#)

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

Horizon 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.**