



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final - revised City Council

Tuesday, October 4, 2016

9:00 AM

City Hall

**LANGUAGE HAS BEEN UPDATED FOR ITEMS 9.(e), 9.(f), 9.(j), AND
INFORMATION ADDED TO ITEM 10.(a)(iii)(2) AND 10.(b)(ii)(1)**

**8:45 A.M. RECEPTION FOR BREAST CANCER SURVIVORS, THOSE CURRENTLY
FIGHTING BREAST CANCER AND THEIR CAREGIVERS (Light refreshments will be served)**

1. Call to Order

2. Invocation and Pledge of Allegiance (Councilman Goss)

3. Presentation(s):

- a. Proclamation declaring October as Breast Cancer Awareness Month

Attachments: [Breast Cancer Awareness Proclamation](#)

- b. Employee of the 4th Quarter, Fiscal Year 2016

- c. Presentation of the Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year ended September 30, 2015 to Steven C. Chaipel, Finance Director

Attachments: [Fiscal Year 2015 Certificate of Achievement](#)

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 16-014 AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, AMENDING CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION II, PERMITS, SECTION 66-85 - FEES; HOURS, OF THE CODIFIED ORDINANCES OF THE CITY OF SANIBEL; AMENDING THE FEE SCHEDULE IN SECTION 66-85 TO INCREASE THE FEE FOR THE RESTRICTED PARKING PERMITS ("B" DECALS) AND ("BC"**

DECALS); PROVIDING FOR AN ANNUAL INCREASE IN PERMIT FEES (OTHER THAN GENERAL PARKING PERMITS CHARGED AT A RATE PER HOUR OR ANY FRACTION THEREOF) CALCULATED UPON THE AVERAGE CONSUMER PRICE INDEX FOR THE PRECEDING 12 MONTHS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Ordinance 16-014](#)

- b. ORDINANCE 16-015 PERTAINING TO CHAPTER 90 OF THE SANIBEL CODE ENTITLED “FEES”, ARTICLE IV, DIVISION 4; AMENDING SECTION 90-399 “EATING PLACES, RESTAURANTS, GROCERY STORES, DELICATESSEN STORES, ETC., NOT AS A PERMITTED USE”, SUBSECTION (2), TO CORRECT AN ERROR IN THE FEE AMOUNT SET FORTH THEREIN AND TO INCREASE SUCH FEE 1.1% TO BE CONSISTENT WITH OTHER SUCH FEE INCREASES; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Ordinance 16-015](#)

8. 9:10 - Quasi-judicial Hearing

- a. Consideration of a Conditional Use Permit application filed pursuant to Land Development Code Sections 126-81, Purpose and Scope, 126-82, General Requirements, and 126-102 Formula Retail Stores, for a new 2,000sf formula retail store use specializing in the sale of apparel and swimwear to be able to operate; City Council consideration is required due to the fact that the total aggregate of 50,000 SF commercial floor area threshold for this category of retail uses, requiring only Planning Commission consideration, has been exceeded. The proposed formula retail store will operate under the name of Everything But Water, at 2075 Periwinkle Way, in Suite 12 of the Periwinkle Place Shopping Center (tax parcel no. 25-46-22-T1-00003.0040). The subject application is submitted on behalf of the property owner Dahlmann Periwinkle Place LP by business owner Orlando Bathing Suit LLC. Application No. 16-9488CUP**

Attachments: [Staff Report](#)

AND (IN THE EVENT CITY COUNCIL FINDS THAT APPROVAL OF THE CONDITIONAL USE PERMIT APPLICATION IS WARRANTED):

- a. RESOLUTION 16-076 APPROVING A CONDITIONAL USE PERMIT TO ESTABLISH A 2,000 SQUARE FOOT FORMULA RETAIL STORE SPECIALIZING IN THE SALE OF APPAREL AND SWIMWEAR, OPERATING UNDER THE BUSINESS NAME EVERYTHING BUT WATER, 2075 PERIWINKLE WAY, SUITE 12 OF PERIWINKLE PLACE SHOPPING CENTER; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 16-076](#)
 [Planning Department Staff Report](#)
 [Executed Planning Commission Resolution 16-022](#)

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 16-078 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2017-001; AND PROVIDING AN EFFECTIVE DATE** (To budget and appropriate revenue and expenses associated with the following projects: A - to include in the budget \$150,000 in grant revenue to be received from the State of Florida for the Jordan Marsh water quality treatment park. The expenses for this project are already included in the FY 2017 budget; B - to include in the budget \$77,750 in expenses for the TDC funded Lighthouse Living Shoreline restoration project. The revenue for this project is already included in the FY 2017 budget. The net effect of these two adjustments increases ending fund balance by \$72,250. This amendment increases the FY 2017 budget by \$150,000 (the amount of grant revenue to be received))

Attachments: [Resolution 16-078](#)

- b. **RESOLUTION 16-077 ESTABLISHING COMMITTED FUND BALANCES FOR DISASTER RESERVE, ENVIRONMENTAL INITIATIVE RESERVE AND INSURANCE DEDUCTIBLE RESERVE FOR THE CITY OF SANIBEL; PROVIDING SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR AN EFFECTIVE DATE**

Attachments: [Resolution 16-077](#)

- c. **RESOLUTION 16-079 AMENDING RESOLUTION 12-040 RELATING TO THE SANIBEL RECREATION FINANCIAL COMMITTEE; PROVIDING FOR AN AMENDMENT TO SECTION 1 OF SUCH RESOLUTION IN ORDER TO AMEND AND UPDATE ADDITIONAL RECREATION RELATED PROGRAMS TO BE CONSIDERED BY THE COMMITTEE; SETTING FORTH THE CURRENT “SLIDING SCALE” FEE SCHEDULE; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 16-079](#)

- d. Approval of a West Coast Inland Navigation District (WCIND) subgrant agreement between the City of Sanibel and Lee County in the amount of \$50,000 for one Marine Patrol Officer and authorize the City Manager to execute same (acceptance of this grant will increase to adopted FY17 budget)

Attachments: [Staff Memorandum](#)
 [West Coast Navigation District Grant](#)

- e. Approval to extend the Johnson Engineering Professional Services Agreement to perform the City's National Pollutant Discharge Elimination System (NPDES) and related work for an additional 2-years continuing with the approved rate schedule included within the current agreement (Funding for any work under this agreement will be included in the professional services line item of the general operating budget. Approval of this contract does not increase the budget)

Attachments: [Staff Memorandum](#)
 [Johnson Engineering Letter](#)
 [Current Johnson Engineering Agreement](#)

- f. Approval of an agreement to extend the Tetra Tech Professional Services Agreement to perform the City's wastewater engineering and utility advisory service for an additional 2-years continuing with the approved rate schedule included within the current agreement and authorize the City Manager to execute same (Funding for any work under this agreement will be included in the professional services line item of the utility and general operating budget. Approval of this contract does not increase the budget)

Attachments: [Staff Memorandum](#)
[Tetra Tech First Amendment](#)
[Letter from Tetra Tech](#)
[Current Tetra Tech Agreement](#)

- g. Approve the purchase of “Pay and Display” signs from Signs By Tomorrow in the amount of \$35,400 as a sole source provider (This does not increase the FY 17 budget and is totally funded by the Tourist Development Council (TDC))

Attachments: [Staff Memorandum](#)
[Estimate](#)

- h. Approve the purchase of a telescoping control panel from Mader Electric Motors for Sanibel Sewer System Expansion Project Phase 4A- Section A (West Gulf Dr.) as a sole source in the amount of \$29,940 (The Utility Division Capital Budget for FY-17 includes construction of Phase 4A and does not increase the FY-17 budget)

Attachments: [Staff Memorandum](#)
[Mader Electric Motor Cost Estimate](#)

- i. Award 2016 Bridge, Box Culvert and Water Control Structure Repairs Contract to Bridge Masters Construction, LLC. in the amount of \$75,200 and authorize the City Manager to execute same (Funding for this project is in the adopted FY17 budget in the Public Works Street Division budget -Fund 101)

Attachments: [Staff Memorandum](#)
[Bid Tabulation](#)
[Form Contract](#)

- j. Approval of additional construction work on the Bailey Beach Park Living Shoreline Project in the amount of \$8,786.62. Total project cost to the City will be \$33,786.62, exceeding \$25,000 (anticipated City cost as originally proposed was \$25,000) and waiving the competitive procurement procedures in the best interest of the City and due to fall cold fronts and potential for wind and erosion which will impact the project if not completed. (This project will increase the budget by \$8,786.62 and will be funded from the Beach Parking Natural Resources budget. If the project is approved the budget amendment will come before Council at the November 1, 2016 meeting)

Attachments: [Staff Memorandum](#)

10. OLD BUSINESS

- a. Water Quality Issues
- i. Reports from Director Evans
 - ii. Letter dated September 12, 2016 from Colonel Jason Kirk, P.E. Army Corps of Engineer to Mayor Ruane

Attachments: [Colonel Kirk Letter to Mayor Ruane](#)

- iii. Golf Course Nutrient and Lake Management Recommendation- 2016 Report Card Summary (Acting Director Holly Milbrandt)
 - 1. Staff Memorandum

Attachments: [Staff Memorandum](#)

2. PowerPoint Presentation

Attachments: [2016 Golf Course Nutrient and Lake Management PowerPoint Presentation](#)

3. Dunes Golf Course Fertilizer Best Management Practices and Lake Management Report Card

Attachments: [Dunes Golf Course Report](#)

4. Sanibel Island Golf Club Fertilizer Best Management Practices and Lake Management Report Card

Attachments: [Sanibel Island Golf Club Report](#)

5. Sanctuary Fertilizer Best Management Practices and Lake Management Report Card

Attachments: [Sanctuary Golf Club Report](#)

b. Traffic Management (Mayor Ruane)

i. Updates to Traffic Counts and Trends (Director Miller)

1. PowerPoint Presentation

Attachments: [2016 Traffic Trend Analysis](#)

ii. Presentation of survey results by Phil Balducci, President of Market Place Intelligence

1. PowerPoint Presentation

Attachments: [Sanibel Traffic PowerPoint Presentation](#)

2. Final Traffic Survey Report

Attachments: [Final Traffic Survey Report](#)

3. Back-up Data Links

Attachments: [Traffic Survey - Link to Full Data Results Online](#)

iii. Review and Discussion of next steps of the Metropolitan Planning Organization's (MPO) 30% Design and Computer Modeling of the Lindgren/Causeway Boulevard round-about

1. Design Modeling

Attachments: [MPO Causeway/Periwinkle Way/Lindgren Roundabout Plans](#)

[Year 2040 Afternoon Peak - Bicycles and Pedestrians](#)

[Year 2040 Afternoon Peak – Existing Intersection](#)

[Year 2015 Morning Peak – Roundabout](#)

[Year 2015 Afternoon Peak - Roundabout](#)

[Year 2040 Morning Peak - Roundabout](#)

[Year 2040 Afternoon Peak - Roundabout](#)

2. Discussion and Request to piggyback on the Hillsborough County agreement for traffic engineering with Kittleson and Associates AND approval of a proposal between the City of Sanibel and Kittleson and Associates in an amount not to exceed \$25,000, and authorize City Manager to execute same

Attachments: [Kittleson Agreement](#)

3. **RESOLUTION 16-080 APPROVING BUDGET AMENDMENT/TRANSFER NO. 2017-002; AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$25,000 in funding for contract with Kittleson and Associates for traffic engineering. The funds for this amendment are being appropriated from the unappropriated ending fund balance. This amendment does not increase the FY2017 budget)

Attachments: [Resolution 16-080](#)

- c. Discussion regarding Council salary ballot language
- i. Draft ordinance setting forth ballot language; First Reading to be scheduled for November 01, 2016
DRAFT ORDINANCE SUBMITTING FOR CONSIDERATION BY THE SANIBEL ELECTORATE AN AMENDMENT TO THE SANIBEL CHARTER; PROPOSING AN AMENDMENT TO ARTICLE III, “LEGISLATIVE”, TO AMEND SECTION 3.03 OF THE SANIBEL CITY CHARTER (AS CODIFIED) ENTITLED “CITY COUNCIL - COMPENSATION AND EXPENSES”; SUCH CHARTER AMENDMENT TO PROVIDE FOR A SALARY FOR COUNCIL MEMBERS IN THE AMOUNT OF \$1,500 PER MONTH AND FOR THE MAYOR (THE COUNCIL MEMBER ELECTED AS MAYOR) A SALARY OF \$2,000 PER MONTH; PROVIDING FOR THE DATE OF A REFERENDUM ELECTION AND FOR THE CONDUCT OF THE ELECTION BY THE LEE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING BALLOT LANGUAGE; PROVIDING FOR NOTICE OF ELECTION AND CANVASSING OF RESULTS; PROVIDING FOR THE EFFECTIVE DATE OF THE AMENDMENTS UPON REFERENDUM APPROVAL; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Draft Ordinance](#)

- ii. Elected Official Salary Benefits charts

Attachments: [Elected Officials Salary-Benefits charts](#)

- iii. Historical City Council Reimbursement

Attachments: [City Council Reimbursement Fiscal Year 2015 & Fiscal Year 2016](#)

11. CITY MANAGER

- a. Informational Items
- i. Upcoming Planning Commission terms expiring in January, 2017 (must appoint in December, 2016 due to City Council January meeting after expiration) (Commissioners Krekel, Talmage and Kettelman)
- ii. Upcoming Contractor Review Board members terms expiring December 06, 2016 (Kilchenman - at large member, Kirchner, General Contractor member, Arnold, Engineer member, Burton, Architect member, Reisdorph, Electrical member and Air Conditioning Contractor member - vacant)
- iii. Building Department Monthly Permit and Revenue Report

Attachments: [Monthly Permits Report](#)

[Monthly Revenue Report](#)

iv. Legislative Monthly Report

Attachments: [Legislative Monthly Report](#)

v. Planning Department Reports

1. Permit Activity Report

Attachments: [Staff Report](#)

2. Code Enforcement Activity Report

Attachments: [Staff Report](#)

3. Updated Planning Priority Matrix

Attachments: [Planning Department Task List](#)

vi. Public Works Staff Reports

1. Capital Improvement Projects Monthly Report

Attachments: [Capital Improvement Project Report](#)

2. Grease Trap Report September 2016

Attachments: [Grease Trap Inspection Report](#)

vii. Recreation Revenue and Membership Report

Attachments: [Recreation Revenue and Membership Report](#)

viii. Council attendance to the Florida League of Cities Legislative Conference
December 08 and 09, 2016

12. CITY ATTORNEY'S REPORT

13. COUNCIL MEMBER'S REPORT

- a. Attendance at the Horizon Meeting (Councilman Jennings)

14. PUBLIC COMMENT

15. 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 PAMELA SMITH, 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

a. Horizon - Upcoming Important Dates

Attachments: [Horizon Upcoming Important Dates](#)

“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.