



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final Revised City Council

Monday, September 13, 2021

9:00 AM

City Hall

Regular Meeting

**AS OF 09/10/21 UPDATED RESOLUTION TITLE ON CONSENT AGENDA ITEM 7(d)
AS OF 09/11/21 UPDATED AGENDA FORMAT TO REMOVE BLANK SPACING
AS OF 09/12/21 UPDATED PUBLIC COMMENT AGENDA ITEM 4(a)**

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.

ANYONE WISHING TO MAKE A PUBLIC COMMENT IN ADVANCE REGARDING THE MEETING IS ASKED TO PLEASE EMAIL THE CITY CLERK AT SCOTTY.KELLY@MYSANIBEL.COM BY 3:00 P.M. SEPTEMBER 12, 2021. COMMENTS RECEIVED BY THAT TIME WILL BE POSTED TO THE AGENDA FOR CITY COUNCIL'S REVIEW IN ADVANCE OF THE MEETING. ALL PUBLIC COMMENTS SUBMITTED TO COUNCIL IN ADVANCE OF THE MEETING WILL BE POSTED ON THE AGENDA FOR THE RECORD. EMAILS WILL NOT BE READ INTO THE RECORD. ADDITIONALLY, ANYONE WISHING TO MAKE PUBLIC COMMENT IN PERSON MAY DO SO, SUBJECT TO A 3 MINUTE MAXIMUM SPEAKING TIME PER PERSON, PER AGENDA ITEM.

TO LISTEN TO THE CITY COUNCIL MEETING GO TO WWW.MYSANIBEL.COM. CLICK “AGENDAS AND MINUTES” IN THE BLUE RIBBON, THEN CLICK ON THE RED “CLICK HERE”; WHEN PAGE OPENS LOOK AT LEFT-TOP SIDE FOR DROP-DOWN ARROW TO CHOOSE 2021 AND IN THE NEXT DROP-DOWN ARROW BOX CHOOSE CITY COUNCIL. THEN LOCATE SEPTEMBER 13, 2021 AT 9:00 A.M. CLICK ON “MEETING IN PROGRESS”

- 1. CALL TO ORDER**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE (Mayor Smith)**
- 3. ROLL CALL**

4. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

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

- a. Public Comment

Attachments: [Public Comment Emails](#)

5. COUNCIL COMMENTS

6. 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 21-007 AMENDING THE SANIBEL CODE OF ORDINANCES, SUBPART B. LAND DEVELOPMENT CODE, CHAPTER 78 - GENERAL PROVISIONS; SECTION 78-1 - RULES OF CONSTRUCTION AND DEFINITIONS; AMENDING CHAPTER 126 - ZONING; ARTICLE XIV - SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 3. BUILDING AND AREA REQUIREMENTS, SUBDIVISION II, SPECIAL SETBACKS IS HEREBY AMENDED BY ADDING SECTION 126-961 - OUTDOOR DINING SETBACKS; AMENDING ARTICLE XIV - SUPPLEMENTARY DISTRICT REGULATIONS, DIVISION 5. COMMERCIAL AND INSTITUTIONAL USES GENERALLY BY AMENDING SECTION 126-1031 - BONUS OUTDOOR SEATS FOR DINING; DELETING SECTION 126-1032 - OUTDOOR SEATING FOR CARRYOUT RESTAURANTS IN ITS ENTIRETY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Ordinance 21-007](#)

7. 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. **RESOLUTION 21-061 ESTABLISHING THE SANIBEL CITY COUNCIL REGULARLY SCHEDULED MEETING DATES FOR THE 2022 CALENDAR YEAR; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 21-061](#)
[DRAFT 2022 Meeting Schedule](#)

- b. Ratification of Council Liaison List as Amended on August 24, 2021

Attachments: [Council Liaison List](#)

- c. **RESOLUTION 21-063 APPROVING AND ADOPTING THE 2020 LEE COUNTY MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION ABOUT FLOOD HAZARDS AND FLOOD INSURANCE RATE MAPS; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 21-063](#)
 [Program for Public Information](#)

- d. **RESOLUTION 21-062 ESTABLISHING THE CLASSIFICATION PLAN AND PAY SCHEDULE FOR FISCAL YEAR 2021-2022; ADJUSTING PAY RANGES FOR POLICE OFFICER, POLICE CORPORAL, POLICE SERGEANT, POLICE LIEUTENANT, DEPUTY POLICE CHIEF AND POLICE CHIEF; AUTHORIZING THE CITY MANAGER TO AMEND JOB DESCRIPTIONS AS NECESSARY TO KEEP SUCH DESCRIPTIONS CURRENT; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 21-062](#)

- e. **RESOLUTION 21-065 ADOPTING AND ESTABLISHING A REVISED SCHEDULE OF RATES FOR THE SANIBEL SEWER SYSTEM AND PROVIDING FOR A 1.0% INCREASE IN RESIDENTIAL, COMMERCIAL, AND RECLAIMED WATER RATES; AND PROVIDING AN EFFECTIVE DATE.**

Attachments: [Resolution 21-065](#)
 [Staff Memorandum](#)
 [Revenue Sufficiency Report](#)
 [Rate Increase Schedule](#)

- f. **RESOLUTION 21-069 APPROVING BUDGET AMENDMENT 2021-015 AND PROVIDING AN EFFECTIVE DATE** (To update departmental and fund budgets based on the results of the fiscal year 2021 City of Sanibel Full Cost Allocation Plan prepared by Maguire Associates of Virginia, Inc. This amendment increases revenue to the General fund by \$50,662 and revenue to the Ballfield Maintenance fund by \$18,713 (including \$13,215 increase in transfer from general fund). The total amendment increases the fiscal year 2021 budget by \$69,375 (due to transfers between funds and intergovernmental revenue sources)

Attachments: [Resolution 21-069](#)

- g. Approval of an Interagency Agreement between the Office of the State Attorney Twentieth Judicial Circuit and Sanibel Police Department for the Electronic Transmission of Digital Media and Case File Data and authorize Police Chief William Dalton to execute same

Attachments: [Interagency Agreement](#)

- h. Approve purchase of an ABS 47 HP Lift Station Pump from Mader Electric Motors in the amount of \$33,781.50. This does not increase the adopted FY2021 budget or the draft FY2022 budget.

Attachments: [Staff Memorandum](#)
 [Mader Electric Motors Proposal](#)
 [Advanced Lift Station Proposal](#)
 [Utility Control and Equipment Proposal](#)

- i. Renewal of Entertainment Licenses

- i. **RESOLUTION 21-073 DETERMINING THE RENEWAL OF AN ENTERTAINMENT LICENSE AT THE BLUE GIRAFFE RESTAURANT AT BEACHVIEW ESTATES LOCATED AT 1100 PAR VIEW DRIVE; AND PROVIDING AN EFFECTIVE DATE.**

No reported activity in violation of license resolution terms from Code Enforcement, Police Department, or Fire Departments since original license was granted.

Attachments: [Resolution 21-073](#)

- ii. **RESOLUTION 21-074 DETERMINING THE RENEWAL OF AN ENTERTAINMENT LICENSE AT FOUR COCONUTS, INC D/B/A 400 RABBITS MEXICAN KITCHEN AND TEQUILARIA LOCATED AT 975 RABBIT ROAD; AND PROVIDING AN EFFECTIVE DATE.**

No reported activity in violation of license resolution terms from Code Enforcement, Police Department, or Fire Departments since original license was granted.

Attachments: [Resolution 21-074](#)

- iii. **RESOLUTION 21-075 DETERMINING THE RENEWAL OF AN ENTERTAINMENT LICENSE AT TRADERS SANIBEL LLC D/B/A TRADERS LOCATED AT 1551 PERIWINKLE WAY; AND PROVIDING AN EFFECTIVE DATE.**

No reported activity in violation of license resolution terms from Code Enforcement, Police Department, or Fire Departments since original license was granted.

Attachments: [Resolution 21-075](#)

- j. Approval of renewal agreement with Employee Assistant Group Employee Assistance Program and authorize the City Manager to execute same

Attachments: [Agreement](#)

- k. Motion to approve Third Amendment to Professional Services Agreement between the City of Sanibel and Tetra Tech, Inc.

Attachments: [Staff Memorandum](#)
 [Third Amendment Agreement](#)

8. OLD BUSINESS

- a. Update regarding the City Manager Executive Search (Mayor Smith)

Attachments: [Revised City Manager Search Schedule](#)

- ii. 'Exit Interview' Discussion with City Manager (Councilmember Miller)

Attachments: [Discussion with the City Manager](#)

- b. COVID-19 Update

- i. Discussion on requiring all City employees to be vaccinated against SARS CoV-2
(Councilman Henshaw)

Attachments: [US News Article](#)

- c. Water Quality Issues

- i. Reports from Acting Director Dettmar
- ii. Letter from Mayor Smith to Vice Mayor Matheson of the City of Stuart dated _____, 2021
(Information to come)

- d. Discussion and consideration of Special Events

- i. Request from the Historical Museum and Village, Inc., 950 Dunlop Road, to Serve Alcohol on City grounds on December 2, 2021

Attachments: [Historical Museum And Village Request Letter](#)
 [Correspondence](#)
 [Sanibel Historical Museum and Village COVID-19 Protocol](#)

- ii. Request from the Military Officers Association of America (MOAA) to waive the Special Event fees associated with the Veterans Day Ceremony held at Sanibel City Hall Flagpole at 800 Dunlop Road, on November 11, 2021 (grandfathered event)

Attachments: [Special Event Permit Application](#)
 [Correspondence](#)

- iii. Request from the Lion's Club to sell Christmas trees in the Bailey Shopping Center located at 2477 Periwinkle Way

Attachments: [Special Event Permit Application](#)

- iv. Request from the Sanibel Captiva Chamber of Commerce for the 35th Luminary Holiday Stroll on December 3, 2021

Attachments: [Special Event Permit Application](#)
 [Correspondence from Director Lai](#)

- v. Update from Friends In Service Here (F.I.S.H.) for Annual FISH 10K on October 23, 2021 **(NOTICE THAT EVENT WILL BE EXCLUSIVELY VIRTUAL)**

Attachments: [Special Event Permit Application](#)
 [Correspondence with F.I.S.H](#)

e. Facilities Update

- i. Approve a Professional Services Agreement for Architectural Engineering Services with Amy Nowacki Architect, LLC and authorize the City Manager to execute same

Attachments: [Agreement](#)

f. Discussion and Direction to staff regarding client billing fees for police personnel on special details

Attachments: [Sanibel Code Section 110-83](#)
 [Administrative Policy 07-01](#)

g. Discussion and Direction to Staff Regarding a Draft ORDINANCE for NATURAL RESOURCES DEPARTMENT FEES

Attachments: [Staff Memorandum](#)
 [DRAFT Ordinance 21-XXX](#)

h. Discussion and Direction to Staff Regarding a Draft ORDINANCE for CREDIT CARD CONVENIENCE FEES

Attachments: [Staff Memorandum](#)
 [DRAFT Ordinance 21-XXX](#)

i. Update on Draft Partnership Agreement for Water Quality Improvement of Heron's Landing Lake (Councilmember Henshaw)

Attachments: [DRAFT Agreement](#)
 [Lake Management Plan](#)

j. Approval of ranking of firms for Compensation, Classification and Benefits Survey and authorize the City Manager or her designee to begin contract negotiations

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

9. NEW BUSINESS

- a. Legislative Priorities (Mayor Smith)

10. COMMITTEES BOARDS COMMISSION

- a. **RESOLUTION 21-072 RATIFYING AN ADMINISTRATIVE POLICY OF PROCEDURES AND DEADLINES RELATED TO LONG FORM INTAKE PERMIT APPLICATIONS PRIOR TO ANY PUBLIC HEARING TO BE HELD BEFORE THE PLANNING COMMISSION; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 21-072](#)

11. CITY MANAGER

- a. Informational Items
 - i. Status Report on the Donax Rehabilitation Project
- ii. Sanibel Causeway Traffic Counts for July 2021 and Calendar & Fiscal Year 2021

Attachments: [PowerPoint](#)

Attachments: [Staff Memorandum](#)

- iii. City of Sanibel Recreation Department Comprehensive Assessment, Analysis, Evaluation Study Request for Proposal issued by the City of Sanibel for Parks & Recreation Operations Master Planning

Attachments: [Recreation Department Request for Proposal](#)

- iv. For Distribution - background material for Police Facility Improvements

Attachments: [Preliminary Analysis](#)
 [Temporary Facility Study](#)
 [Original Cost Analysis](#)
 [Alternate Site Study](#)
 [Option of Probable Cost](#)

12. CITY ATTORNEY'S REPORT

13. COUNCIL MEMBER'S REPORT

- a. Attendance at the Tiger Bay Club Luncheon with Representative Spencer Roach on August 25, 2021 (Mayor Smith and Councilmember Henshaw)
- b. Virtual Attendance in the LOSOM PDT Meeting on August 25, 2021 (Mayor Smith)
- c. Attendance at the E-Awards Awards Ceremony on August 26, 2021 (Mayor Smith)

- d. Virtual Attendance in the Big Cypress Basin Board Meeting on August 26, 2021 (Mayor Smith)
- e. Attendance at the Causeway Island Park Improvements Public Meeting on August 26, 2021 (Mayor Smith, Councilmember Miller)
- f. Attendance at the Horizon General Membership Meeting on August 27, 2021 (Mayor Smith)
- g. Virtual Attendance in the Renewable Energy Working Group Meeting on August 27, 2021 (Vice Mayor Johnson)
- h. Attendance at the Recreation Financial Assistance Committee Meeting on August 30, 2021 (Councilmember Miller)
- i. Attendance at the Historical Preservation Committee Meeting on September 2, 2021 (Vice Mayor Johnson)
- j. Attendance at the Metropolitan Planning Organization (MPO) Executive Committee (MEC) Meeting on September 8, 2021 (Vice Mayor Johnson)
- k. Attendance at the Florida Governor's Conference on Tourism as a TDC Member September 8-9, 2021 (Mayor Smith)
- l. Virtual Attendance in the South Florida Water Management District (SFWMD) Governing Board Meeting on September 9, 2021 (Vice Mayor Johnson, Councilmember Henshaw, Councilmember Miller)
- m. Virtual Attendance in the South Florida Water Management District (SFWMD) Millage and Budget Public Hearing on September 9, 2021 (Vice Mayor Johnson)
- n. Attendance at the Horizon Executive Committee Meeting on September 10, 2021 (Mayor Smith)

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 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](#)

“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.**