



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final Revised City Council

Tuesday, December 7, 2021

9:00 AM

City Hall

AS OF 12/7/21 UPDATED INFORMATION, ADDED ITEMS, AND RE-LETTERED COUNCIL MEMBERS' REPORT ITEMS 14(b), 14(c), 14(f), 14(h), 14(j), 14(k), 14(m), 14(o), 14(p), 14(q), 14(r), 14(s), 14(t), 14(v), 14(w), and 14(z)

AS OF 12/03/21 UPDATED ATTACHMENT PRESENTATION ITEM 4(a.); CONSENT AGENDA ITEM 9(a.); ADDED ATTACHMENT TO OLD BUSINESS ITEMS 10(a) (ii.), 10(e), AND 10 (f) (i.)

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.

TO LISTEN TO THE LIVE STREAM AUDIO OF 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 DECEMBER 7, 2021, AT 9:00 A.M. CLICK ON "IN PROGRESS"

- 1. CALL TO ORDER**
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE (Councilman Miller)**
- 3. ROLL CALL**
- 4. RECESS TO CONVENE OUTDOORS (SOCALLY DISTANCED) FOR PRESENTATION OF PROCLAMATIONS**
 - a. Proclamation Recognizing Judith Zimomra on her retirement and 20 years of outstanding leadership as City Manager to the City of Sanibel**

Attachments: [Proclamation](#)

- b. Proclamation Recognizing Sanibel Captiva Conservation Foundation (SCCF) for Essential Land Conservation

Attachments: [Proclamation](#)

5. PLANNING COMMISSION REPORT (Commissioner Nichols)

6. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

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

7. COUNCIL COMMENTS

8. 9:10 - SECOND READING AND PUBLIC HEARING

- a. **ORDINANCE 21-011 AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 30, ENVIRONMENT, ARTICLE II. LITTER, SECTION 30-39 - UNLAWFUL DUMPING INTO WATER STORAGE AREAS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Ordinance 21-011](#)
[Public Comment](#)

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 OR AT THE MEETING.

- a. Adoption of Minutes - September 27, 2021, Final Budget Hearing; September 29, 2021, Special Meeting; September 30, 2021, Special Meeting; October 5, 2021 Regular Meeting; October 27, 2021, Workshop

Attachments: [September 27, 2021 Final Budget Hearing Minutes](#)
[September 29, 2021 Special Meeting Minutes](#)
[September 30, 2021 Special Meeting Minutes](#)
[October 05, 2021 Meeting Minutes](#)
[October 27, 2021 Workshop Minutes](#)

- b. **RESOLUTION 21-086 DESIGNATING THE CITY MANAGER, FINANCE DIRECTOR, ADMINISTRATIVE SERVICES DIRECTOR AND COMMUNITY SERVICES DIRECTOR TO ACT ON BEHALF OF THE CITY OF SANIBEL TO EXECUTE INVESTMENT AND BANK ACCOUNT SIGNATURE CARDS, BANKING RESOLUTION AND CERTIFICATE OF INCUMBENCY AND RELATED DEPOSIT ACCOUNT DOCUMENTATION; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 21-086](#)

c. Adoption of the Fiscal Year 2022 City Council Goals

Attachments: [Fiscal Year 2022 City Council Goals](#)
 [2022 Legislative Priorities](#)

d. Approval of a 5-year Memorandum of Understanding for the 2022 Annual Operating Plan between the City, Sanibel Captiva Conservation Foundation, Sanibel Fire Rescue District and J.N. “Ding” Darling National Wildlife Refuge for conducting prescribed fire operations and responding to wildfires and authorize the City Manager to execute same

Attachments: [Memorandum of Understanding](#)

10. OLD BUSINESS

a. COVID-19 Update

i. Legal Summary of Special Session Legislation (John Agnew)

ii. Discussion and Direction to Staff Regarding Masks

Attachments: [Staff Memorandum](#)
 [Public Comment](#)

iii. Discussion and Direction to Staff Regarding Outdoor Displays of Merchandise

iv. Discussion and Direction to Staff Regarding Policy for Review and Approval of Special Event Permits

Attachments: [Staff Memorandum](#)

b. Water Quality Issues

i. Reports from Director Milbrandt

Attachments: [Water Quality Report](#)
 [Staff Memorandum](#)

ii. Letter to Colonel James Booth, U.S. Army Corps of Engineers, regarding Lake Okeechobee System Operating Manual (LOSOM) Iteration 3 Optimized Runs from Mayor Holly D. Smith, dated November 5, 2021

Attachments: [Letter Dated November 5, 2021](#)

iii. C44 Ribbon Cutting (Mayor Smith)

v. Update on Heron’s Landing Agreement

c. Legislative Priorities - Advocacy 101 (Mayor Smith)

i. Letter to Senator Ray Rodrigues regarding the legislative priorities and requests for state funding of two local projects from Mayor Holly D. Smith, dated November 4, 2021

Attachments: [Letter Dated November 4, 2021](#)

- ii. Letter to Representative Adam Botana regarding the legislative priorities and requests for state funding of two local projects from Mayor Holly D. Smith, dated November 4, 2021

Attachments: [Letter Dated November 4, 2021](#)

d. Facilities Update

- i. Discussion and Direction to Staff Regarding the Police Department Modernization

Attachments: [Staff Memorandum](#)
 [Sanibel Police Feasibility Preliminary Analysis](#)
 [Temporary Facility Study](#)
 [Original Cost Analysis of Police Department Expansion Market Increases](#)
 [Alternate Site Feasibility Study - Stand-Alone Building 2 Site Options](#)
 [Alternate Site Feasibility Study - Option of Probable Costs](#)
 [Environmental Assessment Map - Site Concept #2](#)
 [Staff Memorandum Dated October 27, 2021 - Funding Options](#)

- ii. Recreation Facilities/Center4Life Update

- e. **ORDINANCE 22-001 AMENDING THE SANIBEL CODE OF ORDINANCES RELATED TO SEAWALLS AND OTHER METHODS OF SHORELINE STABILIZATION; CHAPTER 78 - GENERAL PROVISIONS, AMENDING SECTION 78-1. - RULES OF CONSTRUCTION AND DEFINITIONS; CHAPTER 126 - ZONING, ARTICLE IV. - CONDITIONAL USE, AMENDING SECTION 126-99 - EROSION CONTROL STRUCTURES; CHAPTER 126 - ZONING, ARTICLE IV. - CONDITIONAL USE, AMENDING SECTION 126-101. - SEAWALLS AS ACCESSORY STRUCTURES; CHAPTER 126 - ZONING, ARTICLE IV. - CONDITIONAL USE, AMENDING TO ADD SECTION 126-106. - SEAWALL AS ACCESSORY STRUCTURE PLACED WATERWARD OF EXISTING SEAWALL; CHAPTER 126 - ZONING, ARTICLE V. - NONCONFORMANCES, DIVISION 2. - USES, AMENDING SECTION 126-152. - (NONCONFORMING USES) EXCEPTIONS AND PROHIBITIONS; CHAPTER 126 - ZONING, ARTICLE V. - NONCONFORMANCES, DIVISION 3. - STRUCTURES, AMENDING SECTION 126-172. - (NONCONFORMING STRUCTURES) IMPROVEMENT, RECONSTRUCTION OR RELOCATION PROHIBITED, EXCEPTIONS; CHAPTER 126 - ZONING, ARTICLE V. - NONCONFORMANCES, DIVISION 5. - STANDARDS FOR BUILDING-BACK (RECONSTRUCTION) OF STRUCTURES SUBSTANTIALLY DAMAGED BY A NATURAL DISASTER, AMENDING SECTION 126-212. - NONCONFORMING STRUCTURES; CHAPTER 126 - ZONING, ARTICLE XIV. - SUPPLEMENTARY STRUCTURES, SUBDIVISION II. - ACCESSORY MARINE STRUCTURES, AMENDING SECTION 126-875. - WATERWARD EXTENSION; CHAPTER 126 - ZONING, ARTICLE XIV. - SUPPLEMENTARY STRUCTURES, SUBDIVISION II. - ACCESSORY MARINE STRUCTURES, AMENDING SECTION 126-885. - MATERIALS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Staff Memorandum Dated March 1, 2022](#)
[Ordinance 22-001](#)
[Staff Summary Memorandum Dated February 23, 2022](#)
[Planning Commission Resolution 21-14](#)

- f. Sanibel Causeway Discussion and Traffic Count Update

Attachments: [Staff Memorandum](#)

- i. Fiscal Year 2021 Lee County Surplus Toll Receipts

Attachments: [Lee County Surplus Toll Receipts](#)

11. NEW BUSINESS

- a. Discussion Regarding Compensation for Steve Chaipel, Finance Director, for his service as Interim City Manager from September 29, 2021 through November 15, 2021

Attachments: [Staff Memorandum](#)

- a. Stormwater System Discussion (Councilman Miller)
i. Workshop
- b. Discussion and Direction to Staff Regarding Enhanced Bike Path and Beach Police Patrols
- c. Discussion and Direction to Staff Regarding Potential Conservation Land Acquisitions

Attachments: [223 Robinwood Circle Staff Report Dated October 26, 2021](#)

12. CITY MANAGER

- a. Informational Items
i. Status Report on the Donax Rehabilitation Project

Attachments: [PowerPoint Presentation](#)

13. CITY ATTORNEY'S REPORT

14. COUNCIL MEMBER'S REPORT

- a. Attendance at the Florida League of Mayors (FLM) Workshop on November 3, 2021 (Mayor Smith)
- b. Attendance at the Florida League of Cities (FLC) Legislative Conference, November 3-5, 2021 (Mayor Smith, Vice Mayor Johnson, Councilman Miller)
- c. Attendance at the United Way Kick Off Breakfast on November 3, 2021 (Mayor Smith)
- d. Virtual Attendance in the Florida Resilient Coastlines Program November Coastal Resilience Forum on November 3, 2021 (Vice Mayor Johnson)
- e. Attendance at the Vegetation Committee Meeting on November 4, 2021 (Councilman Dr. Crater)

- f.** Attendance at the Horizon Council Sports Tourism Committee Meeting on November 8, 2021 (Mayor Smith)
- g.** Virtual Attendance in the Florida League of Cities (FLC) Legislative Priorities Part 1 Webinar on November 8, 2021 (Mayor Smith, Vice Mayor Johnson)
- h.** Attendance at the Planning Commission Meeting on November 9, 2021 (Councilman Miller, Mayor Smith)
- i.** Attendance at the J.N. “Ding” Darling National Refuge Advocacy Committee Meeting on November 9, 2021 (Councilman Henshaw)
- j.** Attendance at the Visitor and Convention Bureau (VCB) Tourism Outlook Annual Meeting on November 9, 2021 (Mayor Smith, Vice Mayor Johnson)
- k.** Attendance at the Lee County Tourist Development Council (TDC) Meeting on November 10, 2021 (Mayor Smith, Vice Mayor Johnson)
- l.** Attendance at the General Employee Pension Board Meeting on November 10, 2021 (Vice Mayor Johnson)
- m.** Attendance at the Sanibel Captiva Chamber Luncheon on November 10, 2021 (Mayor Smith, Vice Mayor Johnson)
- n.** Attendance at the Municipal Police Officers Retirement Trust Board Meeting on November 10, 2021 (Vice Mayor Johnson)
- o.** Attendance at the Tiger Bay Luncheon on November 10, 2021 (Councilman Henshaw)
- p.** Attendance at the Real Estate Investment Society (REIS) Evening Under the Stars on November 10, 2021 (Mayor Smith)
- q.** Attendance at the Veterans Day Ceremony on November 11, 2021 (Mayor Smith, Vice Mayor Johnson, Councilman Henshaw)
- r.** Attendance the Southwest Florida League of Cities (SWFLC) Luncheon on November 12, 2021 (Mayor Smith, Vice Mayor Johnson)
- s.** Attendance the Horizon Council Nominating Committee Meeting on November 15, 2021 (Mayor Smith)
- t.** Virtual Attendance in the Lake Okeechobee System Operating Manual (LOSOM) Project Delivery Team (PDT) meeting on November 16, 2021 (Mayor Smith)
- u.** Attendance at the Boy Scouts of America Pack & Troop 1740 Meeting on November 16, 2021 (Vice Mayor Johnson)
- v.** Virtual Attendance in the Sanibel Colloquium “The Sanibel Report - 45 Years Later” Panel Discussion on November 17, 2021 (Mayor Smith)
- w.** Attendance at the Chamber of Southwest Florida City and County Managers Share Insights Event on November 18, 2021 (Mayor Smith)
- x.** Attendance at the Horizon Council Meeting on November 19, 2021 (Mayor Smith)
- y.** Attendance at the Metropolitan Planning Organization Board Meeting on November 19, 2021 (Vice

Mayor Johnson)

- z.** Attendance at the Southwest Florida League of Cities (SWFLC) Executive Committee Meeting on December 2, 2021 (Mayor Smith)
- aa.** Attendance at the Historical Preservation Committee Meeting on December 2, 2021 (Vice Mayor Johnson)
- ab.** Attendance at the Vegetation Committee Meeting on December 2, 2021 (Councilman Dr. Crater)
- ac.** Attendance at the Florida Municipal Investment Trust Fund Board Meeting on December 3, 2021 (Vice Mayor Johnson)
- ad.** Attendance at the Recreation Financial Assistance Committee Meeting on December 6, 2021 (Councilman Miller)

15. PUBLIC COMMENT

16. ADJOURNMENT

Attachments:

[Added to the Record](#)

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 Calendar](#)

“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.**