



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final Revised City Council

Tuesday, December 6, 2022

9:00 AM

B.I.G. Arts - 900 Dunlop Road, Sanibel

**AS OF 12/05/22 SUPPLEMENT 1 - ADDED INFORMATION TO OLD BUSINESS ITEM 12(c);
ADDED NEW BUSINESS ITEM 13(c)**

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 Miller)

3. ROLL CALL

4. PRESENTATION(S)

- a.** Proclamation recognizing the retirement of Fire Chief William Briscoe

Attachments: [Proclamation](#)

- b.** Community Housing and Resources, Inc. (CHR) Update by Executive Director Melissa Rice

- c.** Captiva Sewer Project Transmission Presentation

Attachments: [Agenda Memorandum](#)
[PowerPoint Presentation](#)

- d.** Hurricane Ian Recovery Update (Information to come)

5. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

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

6. CITY COUNCIL COMMENTS

7. CITY COUNCIL CONSIDERATIONS FOR FUTURE AGENDAS

8. 9:10 - SECOND READING AND PUBLIC HEARING

a. Leaf Blowers - Deadline Extension:

ORDINANCE 22-007 AN ORDINANCE PERTAINING TO CHAPTER 30, ENVIRONMENT, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; AMENDING ARTICLE III, NOISE, SECTION 30-70, GAS POWERED LEAF BLOWERS, BY AMENDING SUBSECTION (1) RELATING TO THE EFFECTIVE DATE OF THE PROHIBITION OF GAS-POWERED LEAF BLOWERS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
[Ordinance 22-007](#)
[Leaf Blower Ordinance 21-004](#)

b. Sanibel Boat Ramp Parking - Pilot Program:

ORDINANCE 22-008 AN ORDINANCE AMENDING CHAPTER 66 - TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION II, PERMITS, SECTION 66-76, TYPES OF PERMITS AND SECTION 66-85, FEES; HOURS; AND CHAPTER 74, WATERWAYS, ARTICLE III, BOAT RAMPS, SECTION 74-97, PARKING AND USE OF THE PARKING AREA ADJACENT TO THE CITY PUBLIC BOAT RAMP FACILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
[Ordinance 22-008](#)
[Parking Zone Map](#)

c. Historical Register - Priscilla Murphy Center:

ORDINANCE 22-009 - FIRST READING - AMENDING THE LOCAL REGISTER OF HISTORIC LANDMARKS OF THE CITY OF SANIBEL, HISTORIC PRESERVATION ELEMENT, PURSUANT TO CHAPTER 82, ADMINISTRATION, ARTICLE II, CITY COUNCIL, DIVISION 1, GENERALLY, SECTION 82-31, CONSIDERATION OF AMENDMENTS, relating TO PLACEMENT OF A STRUCTURE ON THE LOCAL REGISTER OF HISTORIC LANDMARKS AND ADOPTING AN UPDATED REGISTER, NAMELY property owned BY PRISCILLA MURPHY CENTER, A CONDOMINIUM, and located at 1019 PERIWINKLE WAY, MORE FULLY DESCRIBED HEREIN; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
 [Agenda Memorandum Attachments](#)
 [Ordinance 22-009](#)

d. **FEMA (LiMWA) Regulations:**

ORDINANCE 22-010 TO UPDATE FLOOD REGULATIONS AFFECTING DEVELOPMENT STANDARDS, AMENDING SUBPART B LAND DEVELOPMENT CODE, CHAPTER 94 - FLOODS, ARTICLE I - ADMINISTRATION, DIVISION 1. GENERAL, SECTION 94-13 - BASIS FOR ESTABLISHING FLOOD HAZARD AREAS; AMENDING CHAPTER 94 - FLOODS, ARTICLE II - DEFINITIONS, DIVISION 1 - GENERAL, SECTION 94-124 - DEFINITIONS; AMENDING CHAPTER 94 - FLOODS, ARTICLE III - FLOOD-RESISTANT DEVELOPMENT, DIVISION 1 - BUILDINGS AND STRUCTURES, SECTION 94-133 - ACCESSORY STRUCTURES; AMENDING CHAPTER 94 - FLOODS, ARTICLE III - FLOOD-RESISTANT DEVELOPMENT, DIVISION 4 - MANUFACTURED HOMES, SECTION 94-162 - LIMITATIONS ON INSTALLATION; AND AMENDING CHAPTER 94 - FLOODS, ARTICLE III - FLOOD-RESISTANT DEVELOPMENT, DIVISION 5 - RECREATIONAL VEHICLES, AND PARK TRAILERS, SECTION 94-182 - TEMPORARY USE PERMIT REQUIRED, AS RECOMMENDED BY THE LDC REVIEW SUBCOMMITTEE AND PURSUANT TO LAND DEVELOPMENT CODE CHAPTER 82, ARTICLE VI. - AMENDMENTS; SECTION 82-97 - CONDUCT OF HEARINGS; ACTION, AND SECTION 82-117 - AUTHORIZATION, FOR THE PURPOSE OF LAND DEVELOPMENT CODE REGULATIONS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
 [2-Flood Terms Defined with Narrative and Graphics](#)
 [3-LDC Subcom Memo with Chapter 94 FLOODS Proposed Amendments](#)
 [4-Coastal High Hazard Area Map-VE and Coastal A Zones 06June2022](#)
 [5-Coastal High Hazard Area Map-VE and Coastal A Zones 06June2022](#)
 [6-2022 CRS letter of approval](#)
 [Ordinance 22-010](#)

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 12, 2022 Regular Meeting; October 3, 2022 Final Budget Hearing; November 1, 2022 Regular Meeting

Attachments: [September 12, 2022 Regular Meeting](#)
 [October 3, 2022 Final Budget Hearing](#)
 [November 1, 2022 Regular Meeting](#)

b. RESOLUTION 22-058 APPROVING RELIEF OF SANITARY SEWER CHARGES FOR THE MONTH OF OCTOBER 2022 AND PROVIDING AN EFFECTIVE DATE

Attachments: [Agenda Memorandum](#)
 [Resolution 22-058](#)

- c. Approval of a 2-year agreement extension for disaster debris monitoring services with Thompson Consulting Services, LLC (including attached revised rate schedule as indicated in Amendment 1) and authorize the City Manager to execute the agreement extension

Attachments: [Agenda Memorandum](#)
 [Amendment 1 Thompson Debris Monitoring](#)
 [Thompson Contract Amendment Renewal Acknowledgment](#)
 [Thompson Consulting Services Debris Monitoring Service Agreement 19-050](#)

- d. Approval of a West Coast Inland Navigation District (WCIND) Subgrant Agreement between the City of Sanibel and Lee County in an Amount not to Exceed \$35,000 for one Marine Patrol Officer and Authorize the City Manager to Execute Same (Funding is included in the Adopted FY23 Budget)

Attachments: [Agenda Memorandum](#)
 [L-563 Sanibel Police Department Subgrant Agreement](#)

- e. Approval of a request for an extension of audit timeline for the Historical Museum & Village

Attachments: [Memo from Emilie Alfino](#)

- f. Approval of a Department of Environmental Protection (DEP) agreement for Wulfert Reclaimed Water Auxiliary Supply Tank and authorize the City Manager to execute same

Attachments: [Agenda Memorandum](#)
 [LPA0378 - Agreement](#)

- g. Approve the acquisition of the three administrative vehicles

Attachments: [Agenda Memorandum](#)
 [21522 EXPLORER K8B WITH EQUIPMENT WORKSHEET](#)

10. INFORMATIONAL ITEMS

- a. Facilities Update:
- i. Status Report on the Donax Rehabilitation Project
 - ii. Phase IV Sewer Expansion Update

Attachments: [Donax PowerPoint Presentation](#)
 [Phase 4B PowerPoint Presentation](#)

- b. Letter to Colonel James Booth, Jacksonville District Commander, U.S. Army Corp of Engineers, regarding red tide and Lake Okeechobee releases from Sanibel Mayor, Holly D. Smith dated November 17, 2022

Attachments: [Letter Dated November 17, 2022](#)

**11. 12:00 PM - CONVENE AN EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION
WITH SWFL RESPONSE LLC, IN ACCORDANCE WITH SECTION 286.011(8),
FLORIDA STATUTES**

In attendance shall be only the following persons:

Mayor Holly D. Smith

Vice Mayor Richard Johnson

Councilman Dr. Scott Crater

Councilman John Henshaw

Councilman Mike Miller

Sanibel City Manager Dana Souza

Sanibel City Attorney John Agnew

Court Reporter

12. OLD BUSINESS

- a. **RESOLUTION 22-059 REAPPOINTING TWO MEMBERS TO THE SANIBEL
PLANNING COMMISSION TO FILL THREE-YEAR TERMS BEGINNING ON
JANUARY 10, 2023 THROUGH MIDNIGHT, JANUARY 12, 2026; AND PROVIDING
AN EFFECTIVE DATE**

Attachments: [Agenda Memorandum](#)

[Resolution 22-059](#)

[DeBruce, Laura](#)

[Storjohann, Karen](#)

- b. **RESOLUTION 22-060 REAPPOINTING A MEMBER TO THE CITY OF SANIBEL
CONTRACTOR REVIEW BOARD; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Agenda Memorandum](#)

[Resolution 22-060](#)

[Gavin, Oscar](#)

- c. Legislative Priorities

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

13. NEW BUSINESS

- a. Police Department Beach Parking Payment App Presentation

Attachments:

[Agenda Memorandum](#)

[PowerPoint Presentation](#)

[How To Video Link](#)

[Purchase Order 2200908 - T2 Systems Canada Inc](#)

[Purchase Order 02200913 - Duncan Parking Technologies](#)

- b. **Building Fees - Private Provider**

Discussion of a proposed ORDINANCE 22-0XX PERTAINING TO CHAPTER 14, BUILDING AND BUILDING REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL; AMENDING ARTICLE IV, PERMITS, SECTION 14-188, FEE SCHEDULE, BY ADDING A NEW SUBSECTION (13) RELATING TO BUILDING PERMIT DISCOUNTS IN CERTAIN INSTANCES; AND SUPERCEDING AND REPEALING ALL PRIOR ORDINANCES AND RESOLUTIONS INCONSISTENT HERewith; AND PROVIDING AN EFFECTIVE DATE

Attachments:

[Agenda Memorandum](#)

[Draft Ordinance for Discussion Only](#)

- c. Consideration of waiving the Building Demolition Fee and reducing the Temporary Structure fee for placing a recreational vehicle or park trailer on a residential lot. (Supplement 1)

Attachments:

[Agenda Memorandum \(Supplement 1\)](#)

14. CITY MANAGER**15. CITY ATTORNEY'S REPORT****16. COUNCIL MEMBER'S REPORT****17. PUBLIC COMMENT****18. 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

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.**