



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final Revised City Council

Tuesday, December 5, 2017

9:00 AM

City Hall

AMENDED TO ADD 11. OLD BUSINESS C.II. POWERPOINT; 13. CITY MANAGER'S REPORT; IX. HISTORICAL MUSEUM & VILLAGE, INC., FINANCIALS; 15. CITY COUNCILMEMBERS REPORT D. UPDATE OF CONSTITUTION REVISION COMMITTEE (VICE MAYOR DENHAM); REMOVED FROM CONSIDERATION 11. OLD BUSINESS. II. RESOLUTION 17-091.

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.

8:30 A.M. Reception in recognition of the Honorable former Councilman Jim Jennings for his 14 years of service to the citizens and City of Sanibel

1. Call to Order

2. Invocation and Pledge of Allegiance (Mayor Ruane)

3. Presentation(s):

- a. Employee of the Year, Fiscal Year 2017
- b. Proclamation recognizing the Honorable Jim Jennings for his 14 years of service as a member of the Sanibel City Council

Attachments: [Jim Jennings Proclamation](#)

4. Planning Commission Report (Vice Chair Holly Smith)

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 17-013 AMENDING THE CITY OF SANIBEL CODE OF ORDINANCES, SUBPART B LAND DEVELOPMENT CODE, CHAPTER 126 “ZONING”, ARTICLE XII RESORT HOUSING DISTRICT, SECTIONS 126-637 DEVELOPMENT REGULATIONS, (b) (3) HEIGHT LIMITS FOR BUILDINGS, TO EXEMPT THE PITCHED ROOFS ON THREE STORY MULTIFAMILY BUILDINGS FROM THE HEIGHT LIMITATION FOR BUILDINGS AND TO 126-639 ARCHITECTURAL DESIGN STANDARDS AND EXAMPLES, (d) ARCHITECTURAL DESIGN STANDARDS, (4) b. ARTICULATION OF FACADES AND ROOFS, TO RESTRICT THE AMOUNT OF SURFACE AREA THAT CAN BE DESIGNED AS A FLAT ROOF FEATURE ON A BUILDING AND UTILIZED ONLY FOR THE PLACEMENT OF MECHANICAL EQUIPMENT. PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Attachments:

[Ordinance 17-013](#)

[Staff Report](#)

[Planning Commission Resolution 17-017](#)

8. 9:10 - Second Reading and Public Hearing

- a. **ORDINANCE 17-009 AMENDING THE CODE OF ORDINANCES, CHAPTER 90- FEES, ARTICLE V. RECREATION USER FEES, DIVISION 2 - SANIBEL RECREATION CENTER, SECTION 90-531 - MEMBERSHIP FEES; PROVIDING FOR A 15% INCREASE IN MEMBERSHIP FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE** (This ordinance will enact under standard notice procedures the fees adopted through Emergency Ordinance 17-007)

Attachments:

[Ordinance17-009](#)

- b. **ORDINANCE 17-010 AMENDING THE CODE OF ORDINANCES, CHAPTER 90 - FEES, ARTICLE V. RECREATION USER FEES, DIVISION 1 - SANIBEL RECREATION CENTER, SECTION 90-501 - RECREATION USER FEES; PROVIDING FOR AN INCREASE IN CERTAIN MEMBER USER FEES AND NON-MEMBER USER FEES; PROVIDING FOR CODIFICATION AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE** (This ordinance will enact under standard notice procedures the fees adopted through Emergency Ordinance 17-008)

Attachments:

[Ordinance 17-010](#)

- c. **ORDINANCE 17-011 AMENDING THE CITY OF SANIBEL CODE OF ORDINANCES, SUBPART B, LAND DEVELOPMENT CODE, CHAPTER 126 “ZONING”, ARTICLE VI - DISTRICTS GENERALLY, SECTION 126-248 - PROHIBITED USES; ESTABLISHING A PROHIBITION OF MEDICAL**

**MARIJUANA DISPENSING FACILITIES WITHIN THE CITY BOUNDARIES
PURSUANT TO THE AUTHORITY OF SECTION 381.986(11)(b)(1), FLORIDA
STATUTES; PROVIDING FOR DEFINITIONS; PROVIDING FOR CONFLICT
AND SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING
FOR AN EFFECTIVE DATE**

Attachments: [Ordinance 17-011](#)
 [Staff Report](#)
 [Planning Commission Resolution 17-019](#)
 [Staff Memorandum on Dispensaries](#)

- d. **ORDINANCE 17-012 CALLING FOR A SPECIAL ELECTION TO FILL A
VACANT SEAT ON THE SANIBEL CITY COUNCIL; SETTING THE DATE AND
POLLING PLACES FOR THE ELECTION; PROVIDING FOR QUALIFICATION
OF CANDIDATES AND FOR SUBMITTING THE NAMES OF THOSE WHO
QUALIFY AS CITY COUNCIL CANDIDATES; PROVIDING FOR BALLOT
LANGUAGE AND FOR NOTICE; REQUESTING THE LEE COUNTY
SUPERVISOR OF ELECTIONS TO CONDUCT THE ELECTION AND CERTIFY
THE RESULTS TO THE SANIBEL CITY COUNCIL; AND PROVIDING AN
EFFECTIVE DATE**

Attachments: [Ordinance 17-012](#)

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. Approval of Minutes - November 07, 2017

Attachments: [November 7, 2017 Minutes](#)

- b. Approval of a request for two one-year extensions for an agreement between LaRue Planning and
Management Services, Inc. and the City of Sanibel and authorize the City Manager to execute same

Attachments: [Staff Memorandum](#)
 [LaRue Agreement](#)

- c. **RESOLUTION 17-082 OF THE CITY COUNCIL OF THE CITY OF SANIBEL
EXPRESSING ITS INTENT TO DECLARE A SPECIAL ASSESSMENT TO FUND
A PUBLIC IMPROVEMENT AS AUTHORIZED BY THE HOME RULE
PROVISION OF THE FLORIDA CONSTITUTION, GENERAL LAW AND THE
SANIBEL CHARTER FOR THE EXPANSION AND EXTENSION OF THE
SANIBEL SEWER COLLECTION SYSTEM; SAID PROJECT TO BE REFERRED
TO AS THE "SANIBEL SEWER SYSTEM PHASE 4 EXPANSION PROJECT";
ADOPTING THE PROCEDURES SET FORTH IN CHAPTER 170, FLORIDA
STATUTES; PROVIDING FOR A DESCRIPTION OF THE NATURE AND
LOCATION OF THE IMPROVEMENT, THE MANNER OF LEVYING**

ASSESSMENTS, THE ESTIMATED COST AND THE DESCRIPTION OF THE LANDS UPON WHICH THE ASSESSMENT SHALL BE LEVIED, AND OTHER MATTERS REQUIRED BY CHAPTER 170, FLORIDA STATUTES; AND PROVIDING AN EFFECTIVE DATE

Attachments: [Resolution 17-082](#)

d. RESOLUTION 17-083 APPROVING BUDGET AMENDMENT/TRANSFER NO.

2018-004 AND PROVIDING AN EFFECTIVE DATE (To appropriate \$13,000 in funding for the City of Sanibel development permit fee relating to the Woodring Living Shoreline project, 1000 linear feet of living shoreline along Woodring Road from Bock Peace Park (northern terminus of Dixie Beach Road) west to 1784 Woodring Road. The funds for this amendment are being appropriated from the ending fund balance of the Beach Parking Fund. This amendment does not increase the FY2018 budget)

Attachments: [Resolution 17-083](#)

e. RESOLUTION 17-084 APPROVING BUDGET AMENDMENT/TRANSFER NO.

2018-005 AND PROVIDING AN EFFECTIVE DATE (To budget receipt of \$75,000 from American Tower relating to the Verizon lease agreement for the communications tower located at the Wulfert sewer plant property. This amendment increases the FY 2018 budget by \$75,000)

Attachments: [Resolution 17-084](#)

f. RESOLUTION 17-085 APPROVING BUDGET AMENDMENT/TRANSFER NO.

2018-006 AND PROVIDING AN EFFECTIVE DATE (To appropriate \$46,930 in emergency funding for design and permitting of the Gulf Pines/Gulf Shores and West Gulf Drive beach renourishment projects. The funds for this amendment are being appropriated from the ending fund balance of the Beach Parking Fund. This amendment does not increase the FY2018 budget)

Attachments: [Resolution 17-085](#)

g. Approval of an agreement between the City of Sanibel and Humiston and Moore, Inc., for design and permitting of the Gulf Pines/Gulf Shores and West Gulf Drive Communities Beach Renourishment Project in the amount of \$46,930 and authorize the City Manager to execute same

Attachments: [Humiston & Moore Engineers Agreement](#)

h. Request from Casa Ybel Resort, 2255 West Gulf Drive for consideration of a total of 20 Special Event Permits for 2018 (same amount requested and approved for 2017)

Attachments: [Request from Casa Ybel](#)

i. RESOLUTION 17-089 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS CAPITAL ASSETS; AND PROVIDING AN EFFECTIVE DATE (PD vehicles)

Attachments: [Staff Memorandum](#)

[Resolution 17-089](#)

j. RESOLUTION 17-087 APPROVING BUDGET AMENDMENT/TRANSFER NO.

2018-007 AND PROVIDING AN EFFECTIVE DATE (To appropriate \$25,000 for fees relating to special election to fill vacant City Council seat. The funds for this amendment are available in the ending fund balance of the General Fund. This amendment does not increase the FY2018 budget)

Attachments: [Resolution 17-087](#)

- k. Request authorization from the United Way for placement of a temporary thermometer sign at Bank of the Islands located at 1699 Periwinkle Way

- l. **RESOLUTION 17-088 APPOINTING MERRELL RUSHWORTH TO THE SANIBEL HISTORICAL PRESERVATION COMMITTEE AS A FULL-TIME MEMBER DUE TO HER EXTRAORDINARY TIES TO THE SANIBEL COMMUNITY; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 17-088](#)

- m. Acceptance of an Interagency Agreement with the School Board of Lee County, Sanibel Police Department, Department of Juvenile Justice, Cape Coral Police Department, Fort Myers Police Department, Lee County Sheriff's Department and the Office of the State Attorney for the 20th Judicial Circuit and authorize the Chief of Police to execute

Attachments: [Interagency Agreement](#)

- n. Approval of First Amendment to the Community Resources Housing, Inc., (CHR) agreement to amend the payment schedule and authorize the City Manager to execute same

Attachments: [First Amendment](#)
 [Agreement approved October 3, 2017](#)

10. APPOINTMENT OF A CITY COUNCIL MEMBER TO FILL THE UNEXPIRED TERM OF FORMER CITY COUNCIL MEMBER JIM JENNINGS

- a. Appointment of new Council Member
- b. **RESOLUTION 17-090 APPOINTING A RESIDENT OF THE CITY OF SANIBEL TO FILL A VACANCY ON THE SANIBEL CITY COUNCIL; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 17-090](#)

- c. Discussion regarding City Council liaisons

Attachments: [2017 Council Liaison](#)

11. OLD BUSINESS

- a. Water Quality Issues
 - i. Reports from Director Evans
 - ii. **RESOLUTION 17-091 TAKING A POSITION REGARDING THE PLACEMENT OF SEPTIC SYSTEMS; AND PROVIDING AN EFFECTIVE DATE (Staff request this be removed from consideration)**
- b. Discussion regarding proposed 2018 City Council Goals

Attachments: [2018 Proposed City Council Goals](#)

- c. Golf Course Nutrient and Lake Management Recommendation- 2016 Report Card Summary
(Environmental Biologist Holly Milbrandt and Dana Dettmar, Environmental Specialist)

- i. Staff Memorandum

Attachments: [Staff Memorandum](#)

- ii. PowerPoint Presentation

Attachments: [PowerPoint](#)

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

Attachments: [Dunes Golf Dunes Golf Course](#)

- iv. Sanctuary Fertilizer Best Management Practices and Lake Management Report Card

Attachments: [Sanctuary Golf Course](#)

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

Attachments: [Sanibel Golf Course](#)

12. COMMITTEES BOARDS COMMISSION

- a. **RESOLUTION 17-086 APPOINTING A MEMBER TO THE SANIBEL RECREATION FINANCIAL ASSISTANCE COMMITTEE; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 17-086](#)

- b. Update on status of Historical Museum & Village, Inc. negotiations (Councilman Goss)

13. CITY MANAGER

- a. Informational Items

- i. Annual accounting of expenditures from the Protection of Animal Welfare Society, Inc. (PAWS)

Attachments: [PAWS Annual Accounting to City Council](#)

- ii. Building Department Monthly Permit and Revenue Reports

Attachments: [Permit Report](#)
 [Revenue Report](#)

- iii. Legislative Department Monthly Report

Attachments: [Legislative Department Report - October 2017](#)

- iv. Public Works Department Reports
 1. Capital Improvement Projects

Attachments: [Capital Improvement Project Report](#)

2. Grease Trap Report November 2017

Attachments: [Grease Trap Inspection Report](#)

v. Recreation Revenue and Membership Report

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

vi. Planning Commission 2018 Meeting Dates

Attachments: [Meeting Dates](#)

vii. Causeway Counts October 2017

Attachments: [Causeway Counts - October 2017](#)

viii. Community Housing & Resources, Inc., Quarterly Financials

Attachments: [4th Quarter Financials](#)

xi. Historical Museum and Village, Inc., Financials as of
September 30, 2017

Attachments: [Historical Financials as of September 30, 2017](#)

14. CITY ATTORNEY'S REPORT

15. COUNCIL MEMBER'S REPORT

- a. Attendance at the Tourist Development Council (TDC) meeting (Mayor Ruane)
- b. Charter Review Committee Update (Mayor Ruane)
- c. Attendance at the Metropolitan Planning Organization (MPO) meeting (Vice Mayor Denham)
- d. Update regarding the Constituion Revision Committee (Vice Mayor Denham)

Attachments: Constitution Review Ccommittee Proposal 61 Letter

16. PUBLIC COMMENT

17. 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

Horizon Upcoming Important Dates

[Attachments:](#)

[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.**