



City of Sanibel

800 Dunlop Road
Sanibel, FL 33957

Meeting Agenda - Final Revised City Council

Tuesday, October 6, 2020

9:00 AM

City Hall

AGENDA ITEMS ADDED UNDER: 5(a.) PUBLIC COMMENTS, 7(a.) PRESENTATIONS, 10(a.), 10(c.) AND 10(g.) CONSENT AGENDA and 14(a.) CITY MANAGER REPORTS. AGENDA ITEMS UPDATED UNDER 8(a.) FIRST READING AND 9(b.) SECOND READING.

ANYONE WISHING TO MAKE A PUBLIC COMMENT IN ADVANCE REGARDING THE SPECIAL MEETING IS ASKED TO PLEASE EMAIL THE CITY CLERK AT pamela.smith@mysanibel.com BY 3:00 P.M. OCTOBER 5, 2020. 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 CITY COUNCIL'S SPECIAL 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 2020 AND IN THE NEXT DROP-DOWN ARROW BOX CHOOSE CITY COUNCIL. THEN LOCATE OCTOBER 6, 2020 at 9:00 A.M. CLICK ON "MEETING IN PROGRESS"

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 Johnson)

3. ROLL CALL

4. PLANNING COMMISSION REPORT (Commissioner Kirchner)

5. PUBLIC COMMENTS FOR NON-AGENDA ITEMS

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

a. Public Comment Emails

Attachments: [Emails](#)

6. COUNCIL COMMENTS

7. PRESENTATION(S)

a. Presentation and discussion with Denise Vidal, Chief Executive Officer of Lee County Electric Cooperative, regarding Lee County Electric Cooperative operations and reliability

Attachments: [Letter from Mayor Ruane dated October 1, 2020 to Denise Vidal, CEO of LCEC](#)
[Letter from Denise Vidal, CEO of LCEC dated October 2, 2020 to Mayor Ruane](#)

8. 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 20-005 AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 74 - WATERWAYS, ARTICLE II. - WATERCRAFT, DIVISION 1. - GENERALLY; AMENDING SECTION 74-31 - DEFINITIONS; AMENDING SECTION 74-32 - FINDINGS; PURPOSE; AMENDING SECTION 74-33 - STATE LAW ADOPTED; AMENDING SECTION 74-35 - PENALTIES; ENFORCEMENT; ESTABLISHING SECTION 74-36 - ESTABLISHMENT OF MANATEE PROTECTION AREAS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Ordinance 20-005](#)
 [Staff Memorandum](#)

- b. **ORDINANCE 20-006 AMENDING THE SANIBEL CODE, SUBPART A, GENERAL ORDINANCES, CHAPTER 66, TRAFFIC, ARTICLE II, PARKING, STOPPING AND STANDING, DIVISION 2, BEACH AREA PARKING RESTRICTIONS, SUBDIVISION III, PERMITS, SECTION 66-85 - FEES; HOURS; PROVIDING FOR INCREASES IN FUTURE FISCAL YEARS TO OCCUR AUTOMATICALLY BASED UPON A DEFINED CONSUMER PRICE INDEX; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Ordinance 20-006](#)
 [Historical Data](#)

9. 9:10 - SECOND READING AND PUBLIC HEARING

- a. **ORDINANCE 20-002 AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 2-ADMINISTRATION, ARTICLE II - CITY COUNCIL, DIVISION 3 - MEETINGS; AMENDING SECTION 2-66, MEETINGS OF CITY COUNCIL; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Attachments: [Ordinance 20-002](#)

- b. **ORDINANCE 20-003 AMENDING THE SANIBEL CODE OF ORDINANCES, CHAPTER 22-CIVIL EMERGENCIES, ARTICLE II - DISASTER PREPAREDNESS, DIVISION 2 - STATE OF EMERGENCY; AMENDING SECTION 22-57, TERMINATION OF PROCLAMATION; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE**

Attachments: [Ordinance 20-003](#)

- c. **ORDINANCE 20-004 AMENDING CHAPTER 50, ARTICLE III, POLICE OFFICERS' RETIREMENT, DIVISION 2, PENSION PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF SANIBEL, AMENDING SECTION 50-356, INTERNAL REVENUE CODE COMPLIANCE, TO PROVIDE FOR COMPLIANCE WITH THE SECURE ACT; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT AND SEVERANCE; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Ordinance 20-004](#)
 [Letter](#)

10. 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 - September 14, 2020 Regular Meeting

Attachments: [Minutes](#)

- b. Approval of an engagement letter with CliftonLarsonAllen LLP to perform the fiscal year 2020 audit of the City's Comprehensive Annual Financial Report and authorize Mayor and City Manager to execute same

Attachments: [CliftonLarsonAllen LLP Engagement Letter](#)
 [CliftonLarsonAllen LLP Audit Agreement](#)

- c. **RESOLUTION 20-073 BY THE CITY OF SANIBEL SUPPORTING AN APPLICATION FOR FUNDING FROM THE FLORIDA BEACH MANAGEMENT FUNDING ASSISTANCE PROGRAM FOR FISCAL YEAR 2021-2022 AS PART OF THE SANIBEL ISLAND BEACH NOURISHMENT PROGRAM ALONG NORTH SANIBEL ISLAND; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 20-073](#)
 [Staff Memorandum](#)

- d. **RESOLUTION 20-078 APPROVING BUDGET AMENDMENT 2020-015 AND PROVIDING AN EFFECTIVE DATE** (To appropriate \$235,161 in expenditures from ending fund balance in response to actual operations in the Recreation Center. The funding for this amended is coming from projected budgeted ending fund balance)

Attachments: [Resolution 20-078](#)

- e. Approval of a Memorandum of Understanding between the City of Sanibel and the Florida Department of Highway Safety and Motor Vehicles for access to the Biometric Facial Analysis System and authorize the City Manager to execute same

Attachments: [Agreement](#)

- f. RESOLUTION 20-067 ADOPTING THE CITY OF SANIBEL EMERGENCY OPERATIONS PLAN; PROVIDING THAT SUCH PLAN SUPERSEDES ANY AND ALL PRIOR INCONSISTENT COMPREHENSIVE EMERGENCY MANAGEMENT PLANS AND EMERGENCY OPERATION PLANS DEVELOPED FOR THE CITY OF SANIBEL; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 20-067](#)
 [Letter](#)

- g.** Approval of an agreement between the City of Sanibel and Lee County Board of County Commissioners regarding LeeCARES and authorize the City Manager to execute same

Attachments: [Agreement](#)

- h.** Approval of a grant from the Tourist Development Council (TDC) Interlocal Agreement for Beach and Shoreline Erosion Survey (project 401747) in an amount not to exceed \$40,000 and authorize the City Manager to execute same

Attachments: [Agreement](#)

- i.** Approval of a grant from the Tourist Development Council (TDC) Interlocal Agreement for Facility/Beach Maintenance - Erosion Control (project 401656) in an amount no to exceed \$1,626,600 and authorize the City Manager to execute same

Attachments: [Agreement](#)

- j. RESOLUTION 20-077 AUTHORIZING THE CITY MANAGER TO DISPOSE OF OBSOLETE OR SURPLUS CAPITAL ASSETS; AND PROVIDING AN EFFECTIVE DATE**

Attachments: [Resolution 20-077](#)

- k.** Approval of a request from the United Way authorizing placement of a temporary thermometer sign at Bank of the Islands, 1699 Periwinkle Way (consistent with previous years)

Attachments: [Request](#)

- l.** Approval of a motion to pay the State of Florida Health Department approximately \$4,472 to resume weekly sampling at \$43 per sample

Attachments: [Staff Memorandum](#)

11. OLD BUSINESS

- a.** Water Quality Issues
- i. Reports from Acting Director Milbrandt
 - ii. Appointment of Acting Director Milbrandt to the Science Coordination Group (SCG)

Attachments: [Letter](#)

- b. Discussion and direction to staff establishing the deadline for applications for person's seeking to be appointed to the upcoming City Council vacancy (Mayor Ruane)

12. COMMITTEES BOARDS COMMISSION

- a. **RESOLUTION 20-068 RATIFYING THE RESULTS OF THE EMPLOYEE ELECTION FOR THE GENERAL EMPLOYEES' RETIREMENT PLAN BOARD; REAPPOINTING FIVE TRUSTEES; APPOINTING THE CITY MANAGER DESIGNEE; AND PROVIDING FOR AN EFFECTIVE DATE**

Attachments: [Resolution 20-068](#)

[Clark, Ralph](#)

[Decker, John](#)

[Garmager, Tim](#)

13. NEW BUSINESS

- a. Discussion reviewing the current fines and potential changes to the sign ordinance for both illegal parking and alcohol on beaches (Vice Mayor Denham)

14. CITY MANAGER

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

Attachments: [PowerPoint](#)

- ii. Memorandum from City Engineer and Director of Community Services - Tropical Storm Sally

Attachments: [Staff Memorandum](#)

- iii. Sanibel Causeway Traffic Counts for August and YTD 2020

Attachments: [Staff Memorandum](#)

- iv. Status Reports
 - 1. Iguana Update
 - 2. Water Irrigation/Conservation Report
 - 3. Horticulture Waste Plastic Ban Deadline Update
 - 4. Recreation Center Update
 - 5. Distribution of County provided Personal Protective Equipment (PPE)
 - i. Press Release

Attachments: [Press Release](#)

6. Special Events

Attachments: [Special Events Status](#)

vi. Council Appointment Letters

1. Letter dated August 21, 2020 appointing Vice Mayor Denham to the FLC Committee

Attachments: [Letter](#)

2. Letter dated August 21, 2020 appointing Councilman Maughan to the FLC Committee

Attachments: [Letter](#)

3. Letter dated August 21, 2020 appointing Councilwoman Smith to the FLC Committee

Attachments: [Letter](#)

4. Letter dated August 21, 2020 appointing Councilman Johnson to the FLC Committee

Attachments: [Letter](#)

15. CITY ATTORNEY'S REPORT

16. COUNCIL MEMBER'S REPORT

- a. Attendance at the Zoom meetings for Florida Municipal Insurance Trust (FMIT), Florida Municipal Loan Council (FMLC), Florida Municipal Insurance Investment Trust Committee (FMIvT) and the Florida Municipal Pension Trust Fund (FMPTF) (Mayor Ruane)
- b. Attendance at the Zoom meeting for the Florida League of Cities Utilities, Natural Resources and Public Works Committee (Vice Mayor Denham)
- c. Attendance at the Zoom meeting for the Florida League of Cities Municipal Administration Committee (Councilwoman Smith)
- d. Attendance at the Horizon Meeting (Councilwoman Smith)
- e. Attendance at the Zoom meeting for the Transportation and Intergovernmental Relations Committee (Councilman Johnson)
- f. Attendance at the the Zoom meeting for the Finance and Taxation Committee (Councilman Maughan)

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 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

Monday	October 12, 2020	City Hall Closed in Observance of Columbus Day	
Tuesday	November 03, 2020	City Council Meeting	MacKenzie Hall 9:00 a.m.
Wednesday	November 11, 2020	City Hall Closed in Observance of Veterans Day	
Wednesday	November 11, 2020	Veterans Day Celebration - City Hall Flagpole	11:00 a.m.
Thursday/Friday	November 26/27, 2020	City Hall Closed in Observance of Thanksgiving	
Tuesday	December 01, 2020	City Council Meeting	MacKenzie Hall 9:00 a.m.
Friday to Friday	December 11/18	Chanukah	
Friday	December 25, 2020	City Hall Closed in Observance of Christmas	
Friday	January 01, 2021	City Hall Closed in Observance of New Year's Day	
Monday	January 18, 2021	City Hall Closed in Observance of Martin Luther King Day	
Tuesday	January 19, 2021	MacKenzie Hall	9:00 a.m.
Tuesday	February 02, 2021	MacKenzie Hall	9:00 a.m.
Tuesday	March 02, 2021	MacKenzie Hall Sanibel Municipal Election	9:00 a.m.
Tuesday	March 16, 2021	MacKenzie Hall Organizational Meeting	9:00 a.m.
Passover	Saturday, March 27 Sundown thru Sunday, April 04, 2021 Sundown		
Tuesday	April 06, 2021	MacKenzie Hall	9:00 a.m.
Wednesday	April 07, 2021	New Resident Reception	MacKenzie Hall 9:00 a.m.
Tuesday	May 04, 2021	MacKenzie Hall	9:00 a.m.
Saturday	May 15, 2021	Armed Forces Day	

Monday	May 31, 2021	City Hall Closed in Observance of Memorial Day	
Tuesday	June 01, 2021	MacKenzie Hall	9:00 a.m.
Sunday	June 06, 2021	D-Day	
Monday	June 14, 2021	Flag Day	
Sunday	July 04, 2021	Independence Day	
Monday	July 05, 2021	City Hall Closed in Observance of Independence Day	
Tuesday	July 20, 2021	MacKenzie Hall	9:00 a.m.
		Set Proposed Millage Rate	
Monday	August 09, 2021	Victory over Japan Day	
Tuesday	August 24, 2021	MacKenzie Hall	9:00 a.m.
Monday	September 06, 2021	City Hall Closed in Observance of Labor Day	
Tuesday & Wednesday	September 07-08, 2021	Rosh Hashanah	
Saturday	September 11, 2021	Patriot Day	
Thursday	September 16, 2021	Yom Kippur	
Monday	September 13, 2021	MacKenzie Hall	9:00 a.m.
		Regular Meeting	
		First Budget Hearing	5:01 p.m.
Monday	September 27, 2021	MacKenzie Hall	5:01 p.m.
		Final Budget Hearing	
Tuesday	October 05, 2021	MacKenzie Hall	9:00 a.m.
Monday	October 11, 2021	City Hall Closed in Observance of Columbus Day	
Tuesday	November 02, 2021	MacKenzie Hall	9:00 a.m.
Thursday	November 11, 2021	City Hall Closed in Observance of Veterans Day	
Thursday	November 11, 2021	Veterans Day Celebration at City Hall flagpole	11:00 a.m.
Thursday & Friday	November 25 & 26, 2021	City Hall Closed in Observance of Thanksgiving	
Sunday thru Monday	November 28 to December 06, 2021	Chanukah	
Tuesday	December 07, 2021	Pearl Harbor Day	
Tuesday	December 07, 2021	MacKenzie Hall	9:00 a.m.

Friday December 24, 2021 City Hall Closed in Observance of Christmas

Saturday December 25, 2021 Christmas Day

Friday December 31, 2021 City Hall Closed in Observance of New Year's

Saturday January 01, 2022 New Year's Day

“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.