

# City of Clearwater

*Main Library - Council Chambers  
100 N. Osceola Avenue  
Clearwater, FL 33755*



## Meeting Minutes

**Thursday, November 7, 2024**

**6:00 PM**

**Main Library - Council Chambers**

## City Council

**Roll Call**

**Present:** 5 - Mayor Bruce Rector, Vice Mayor David Allbritton, Councilmember Ryan Cotton, Councilmember Michael Mannino and Councilmember Lina Teixeira

**Also Present:** Jennifer Poirrier – City Manager, Daniel Slaughter – Assistant City Manager, David Margolis – City Attorney, Rosemarie Call – City Clerk and Nicole Sprague – Deputy City Clerk.

*To provide continuity for research, items are listed in agenda order although not necessarily discussed in that order.*

Unapproved

**1. Call to Order – Mayor Rector**

*The meeting was called to order at 6:01 p.m.*

**2. Invocation – Pastor Steve Kreloff from Lakeside Community Chapel****3. Pledge of Allegiance – Given.****4. Special recognitions and Presentations (Proclamations, service awards, or other special recognitions. Presentations by governmental agencies or groups providing formal updates to Council will be limited to ten minutes.) – Given.****4.1** Citizens Academy 2024 Graduation**4.2** Suncoast Jazz Festival Proclamation, November 22, 2024 - Joan Dragon, Executive Director of the Suncoast Jazz Festival**4.3** State of the City - Jennifer Poirrier, City Manager

*The City Manager provided a PowerPoint presentation.*

**5. Approval of Minutes****5.1** Approve the minutes of the October 3, 2024 city council meeting as submitted in written summation by the City Clerk.

**Councilmember Cotton moved to approve the minutes of the October 3, 2024 city council meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.**

**6. Consent Agenda – Approved as submitted, less Items 6.1, 6.8, 6.9, 6.10, 6.11, 6.12, and 6.14.**

- 6.1** Approve an Encroachment Agreement between the City of Clearwater and Florida Gas Transmission Company, LLC for a Clearwater Gas Department gas distribution pipeline to cross over Florida Gas Transmission Company pipeline facilities and authorize the appropriate officials to execute same. (consent)

**See Below.**

- 6.2** Approve an increase and proposal from Construction Manager at Risk (CMAR) Kokolakis Contracting, Inc., of Tarpon Springs, FL., for repairs to the Clearwater Beach Marina main dock in the amount of \$115,603.00 bringing the total to \$210,603.00, pursuant to Request for Qualifications (RFQ) 51-24, and authorize the appropriate officials to execute same. (consent)
- 6.3** Authorize an increase to purchase orders with Doodie Calls, LLC and United Site Services of Florida, LLC for the rental of portable toilets, hand washing stations, and other related items and associated services in the cumulative amount of \$75,000.00 bringing the contract amount to \$175,000.00 for term October 1, 2024, through September 30, 2025, with two optional one-year renewals at an annual amount of \$175,000.00 pursuant to RFP 37-23 and authorize the appropriate officials to execute same. (consent)
- 6.4** Authorize a work order and purchase order to Geosyntec, Inc. to complete the Closure Plan Implementation of the Harbor Drive Fill Area in an amount not to exceed \$954,100.00 pursuant to Request for Qualifications (RFQ) 34-23, Engineer of Record Consulting Services (EOR), and authorize the appropriate officials to execute same. (consent)
- 6.5** Approve the final plat for Coachman Park, with physical address at 100 N Osceola Avenue, 112 S. Osceola Avenue, and 300 Cleveland Street, located between Drew Street and Pierce Street, west of Osceola Avenue and east of Clearwater Harbor. (consent)
- 6.6** Approve a one-year Lease with Christofi and Gimbel, Holdings, LLC., (Lessor) and the City of Clearwater (Lessee) for office space located at 1255 Cleveland Street located in Clearwater, FL in the not to exceed amount of \$205,000.00 and authorize the appropriate officials to execute same. (consent)
- 6.7** Approve a purchase order to Econolite Control, Inc (Econolite) for traffic signal cabinets and controller components in the amount of \$168,399.00 pursuant to Clearwater Code of Ordinances Section 2.563(1)(c), Piggyback, and authorize the appropriate officials to execute same. (consent)

- 6.8** Approve purchase order to Communications International of Vero Beach, FL for the maintenance and repair of the citywide two-way radio communication system and equipment in the amount of \$210,912.00 for term October 1, 2024 through September 30, 2025, pursuant to Clearwater Code of Ordinances Section 2.563(1)(a), Single Source, and authorize the appropriate officials to execute same. (consent).

***See Below.***

- 6.9** Authorize purchase orders to multiple vendors for the purchase of computer parts, product maintenance, servers, and network equipment in the cumulative not-to-exceed amount of \$2,400,000.00, for term December 1, 2024 through either the expiration of the respective contract or September 30, 2025, pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c), Piggyback, and Section 2.561(5), small purchases, and authorize the appropriate officials to execute same. (consent)

**See Below.**

- 6.10** Approve an increase to the existing purchase order with RDK Assets, Inc of Tampa, FL for solid waste and recycling truck rentals in the amount of \$160,000.00, bringing the total not to exceed amount to \$460,500.00, pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c), Piggyback, and authorize the appropriate officials to execute same. (consent)

**See Below.**

- 6.11** Ratify and confirm a purchase order with CrowderGulf Joint Venture, Inc. of Mobile, AL for Hurricane Helene debris removal in an amount of \$4,146,250.00, pursuant to RFP 08-24. (consent)

**See Below.**

- 6.12** Approve the 2025 city council meeting schedule.

**See Below.**

- 6.13** Approve a license agreement between the City of Clearwater and PLDD Harborview, LLC (PLDD) to allow PLDD to use the Clearwater Main Library Parking Lot located at 100 N. Osceola Ave, Clearwater, FL 33755 for access, ingress, and egress privileges and authorize the appropriate officials to execute the same. (consent)

- 6.14** Approve updated legal services agreement between the City and Bush Graziano Rice and Hearing, P.A. for the legal representation in the matter of Nathaniel Brooks v. City of Clearwater and Joseph Roseto, Civil Action No. 8:21-CV-02967-SDM-TGW, and

authorize the appropriate officials to execute same. (consent)

**See Below.**

**Councilmember Teixeira moved to approve the Consent Agenda, less Items 6.1, 6.8, 6.9, 6.10, 6.11, 6.12, and 6.14, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.1** Approve an Encroachment Agreement between the City of Clearwater and Florida Gas Transmission Company, LLC for a Clearwater Gas Department gas distribution pipeline to cross over Florida Gas Transmission Company pipeline facilities and authorize the appropriate officials to execute same. (consent)

This is a request to approve an Encroachment Agreement between Florida Gas Transmission Company, LLC and the City of Clearwater, Florida. Clearwater Gas Department seeks to install an eight inch gas distribution pipeline in the area where Florida Gas Transmission Company operates a thirty inch pipeline and a thirty-six inch pipeline. The location is near State Road 52 and North Sunlake Boulevard in Pasco County. Clearwater Gas Department is seeking permissions from Florida Gas Transmission Company to cross their facilities.

**STRATEGIC PRIORITY:**

Maintain public infrastructure through systematic management efforts.

**Vice Mayor Allbritton moved to approve an Encroachment Agreement between the City of Clearwater and Florida Gas Transmission Company, LLC for a Clearwater Gas Department gas distribution pipeline to cross over Florida Gas Transmission Company pipeline facilities and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.8** Approve purchase order to Communications International of Vero Beach, FL for the maintenance and repair of the citywide two-way radio communication system and equipment in the amount of \$210,912.00 for term October 1, 2024 through September 30, 2025, pursuant to Clearwater Code of Ordinances Section 2.563(1)(a), Single Source, and authorize the appropriate officials to execute same. (consent).

Communications International is the authorized L3Harris Channel Partner assigned to the City. This is a renewal to the existing annual maintenance agreement and authorizes Communications International to provide preventive

maintenance, repair and/or replacement, demand, and emergency services on all of the City's owned two-way radios and terminals used by Clearwater Police Department, Solid Waste & Recycling, Clearwater Gas System, and other city departments. Use of another company to perform these services and repairs may void portions of coverage still under warranty.

There are only two providers that provide this type of equipment and service, and they are L3Harris and Motorola. CI is the sole provider for L3Harris, and we utilize the L3Harris radio format as opposed to Motorola. There aren't any immediate alternatives available. Staff is currently evaluating the costs and benefits of migrating to the Motorola radio maintained by Pinellas County.

The term of this annual maintenance agreement is for one year, October 1, 2024 through September 30, 2025.

#### **APPROPRIATION CODE AND AMOUNT:**

Funds are available in Garage Fund-Radio Maintenance cost code 5666620-530300, contractual services, to fund this contract. The Garage Fund is an internal service fund of the City which supports city-wide fleet services and radio communications.

*One individual spoke in opposition.*

**Councilmember Mannino moved to approve purchase order to Communications International of Vero Beach, FL for the maintenance and repair of the citywide two-way radio communication system and equipment in the amount of \$210,912.00 for term October 1, 2024 through September 30, 2025, pursuant to Clearwater Code of Ordinances Section 2.563(1)(a), Single Source, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.9** Authorize purchase orders to multiple vendors for the purchase of computer parts, product maintenance, servers, and network equipment in the cumulative not-to-exceed amount of \$2,400,000.00, for term December 1, 2024 through either the expiration of the respective contract or September 30, 2025, pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c), Piggyback, and Section 2.561(5), small purchases, and authorize the appropriate officials to execute same. (consent)

The Information Technology Department is requesting authorization to procure computer and network supplies from various vendors to include parts, cabling, servers, computers, power supplies, wireless and security technology for the maintenance and upgrade of the city's computer network and equipment.

Purchases will be obtained through various piggyback contracts.

The list of vendors with their piggyback contracts are as follows:

**Amazon:**

- Omnia Contract No. MA3457 (State of Utah) valid through 05/05/2025  
<https://www.omniapartners.com/suppliers/amazon-business/public-sector/contract-documents#contract-390>  
<<https://www.omniapartners.com/suppliers/amazon-business/public-sector/contract-documents>>

**CDW-Government LLC:**

- Omnia Contract No. MA3458 (State of Utah) valid through 05/05/2025  
<https://www.omniapartners.com/suppliers/cdwg/public-sector/contract-documents#contract-387>  
<<https://www.omniapartners.com/suppliers/cdwg/public-sector/contract-documents>>
- Sourcewell Contract No. 071321-CDW valid through 09/10/2025  
<<https://www.sourcewell-mn.gov/cooperative-purchasing/071321-CDW>>
- Omnia 2024056-01 - GOV (City of Mesa, AZ) valid through 7/1/28  
<<https://www.omniapartners.com/suppliers/cdwg/public-sector/contract-documents>>
- Sourcewell 121923-CDWG Tech Catalog valid through 2/27/2028  
<<https://www.sourcewell-mn.gov/cooperative-purchasing/121923-CDW>>
- State of Florida Contract No. 43230000-23-NASPO-ACS valid through 04/24/2027  
<[https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_contracts\\_and\\_agreements/alternate\\_contract\\_source/software\\_value\\_added\\_reseller\\_svar](https://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements/alternate_contract_source/software_value_added_reseller_svar)>

**Carasoft, Inc:**

- State of Florida Contract No. 43230000-NASPO-16-ACS valid through 09/30/2026  
<[https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_contracts\\_and\\_agreements/alternate\\_contract\\_source/cloud\\_solutions](https://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements/alternate_contract_source/cloud_solutions)>

**DGR:**

- OMNIA PARTNERS CONTRACT 01-154 (IT Security and Data Protection Solutions) (Region 14 ESC-TX) Valid Through 11/30/2025  
<https://www.omniapartners.com/suppliers/fortinet/public-sector/contract-documents#contract-1517>  
<<https://www.omniapartners.com/suppliers/fortinet/public-sector/contract-documents>>

- SOURCEWELL CONTRACT RFP #121923 Valid Through 02/27/2028  
<https://www.sourcewell-mn.gov/cooperative-purchasing/121923-dgr>
- SVAR 43230000-23-NASPO-ACS (State of Florida) Valid Through 04/24/2027  
[https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_contracts\\_and\\_agreements/alternate\\_contract\\_source/software\\_value\\_added\\_reseller\\_svar](https://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements/alternate_contract_source/software_value_added_reseller_svar)

**DOF Creations:**

- OMNIA PARTNERS CONTRACT 01-154 (IT Security and Data Protection Solutions) (Region 14 ESC-TX) Valid Through 11/30/2025  
<https://www.omniapartners.com/suppliers/fortinet/public-sector/contract-documents#contract-1517>  
<https://www.omniapartners.com/suppliers/fortinet/public-sector/contract-documents>

**GovConnection dba Connection Public Sector Solutions:**

- Omnia Contract No. 01-144 (Region XIV Education Service Center) valid through 11/30/2025  
<https://www.omniapartners.com/suppliers/connection/public-sector/contract-documents#contract-1476>  
<https://www.omniapartners.com/suppliers/connection/public-sector/contract-documents>

**HP, Inc:**

- FL - State of Florida (NVP PC5)43230000-23-NASPO-ACS Valid Through 04/24/2027  
[https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_contracts\\_and\\_agreements/alternate\\_contract\\_source/software\\_value\\_added\\_reseller\\_svar](https://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements/alternate_contract_source/software_value_added_reseller_svar)
- FL - State of Florida MFD 44100000-24-NASPO-ACS Valid Through 07/31/2026  
[https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_contracts\\_and\\_agreements/alternate\\_contract\\_source/multi-function\\_devices\\_copiers\\_and\\_related\\_software\\_and\\_services](https://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements/alternate_contract_source/multi-function_devices_copiers_and_related_software_and_services)

**InSight Public Sector Inc:**

- State of Florida Contract No. 43230000-23-NASPO-ACS valid through 04/24/2027  
[https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_contracts\\_and\\_agreements/alternate\\_contract\\_source/software\\_value\\_added\\_reseller\\_svar](https://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements/alternate_contract_source/software_value_added_reseller_svar)
- State of Florida Contract No. 43230000-NASPO-16-ACS valid through 09/30/2026  
[https://www.dms.myflorida.com/business\\_operations/state\\_purchasing](https://www.dms.myflorida.com/business_operations/state_purchasing)



[/state contracts and agreements/alternate contract source/cloud solutions>](#)

**SHI International Corp:**

- State of Florida Contract No. 43230000-23-NASPO-ACS valid through 04/24/2027  
[https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_contracts\\_and\\_agreements/alternate\\_contract\\_source/software\\_value\\_added\\_reseller\\_svar](https://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements/alternate_contract_source/software_value_added_reseller_svar)
- State of Florida Contract No. 43230000-NASPO-16-ACS valid through 09/30/2026  
[https://www.dms.myflorida.com/business\\_operations/state\\_purchasing/state\\_contracts\\_and\\_agreements/alternate\\_contract\\_source/cloud\\_solutions](https://www.dms.myflorida.com/business_operations/state_purchasing/state_contracts_and_agreements/alternate_contract_source/cloud_solutions)
- TIPS - Tech. Solutions, Products & Services 230105 Valid Through 5/31/2028  
<https://www.tips-usa.com/vendorProfile.cfm?RecordID=7D90DFBE5334489DF430FE8FF41599D3>
- Omnia 2024056-02 (City of Mesa, AZ) Valid Through 7/1/2028  
<https://www.omniapartners.com/suppliers/shi/public-sector/contract-documents>

Authorization to add additional vendors as needed is also requested following the proper procurement process with oversight from the Procurement Division to include small dollar purchases subject to Clearwater Code of Ordinances Section 2.561(5).

**APPROPRIATION CODE AND AMOUNT:**

Funds are available in various departmental cost centers in object codes 550100 (Office Supplies), 550400 (Operating Supplies), 550800 (Computer Parts), 530100 (Professional Services), 530300 (Contractual Services), and 530500 (Maintenance) as well as various Capital Improvement Projects to fund these purchases.

**STRATEGIC PRIORITY:**

These purchases help accomplish strategic objectives 1.2, 1.3, and 1.4. The Information Technology Department maintains critical public infrastructure to deliver sustain a high level of service to support a safe and healthy community.

*One individual spoke in opposition.*

*In response to a question, IT Director Dan Mayer said the items are purchased as needed.*

**Councilmember Cotton moved to authorize purchase orders to multiple vendors for the purchase of computer parts, product maintenance, servers, and network equipment in the cumulative not-to-exceed amount of \$2,400,000.00, for term December 1, 2024 through either the expiration of the respective contract or September 30, 2025, pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c), Piggyback, and Section 2.561(5), small purchases, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.10** Approve an increase to the existing purchase order with RDK Assets, Inc of Tampa, FL for solid waste and recycling truck rentals in the amount of \$160,000.00, bringing the total not to exceed amount to \$460,500.00, pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c), Piggyback, and authorize the appropriate officials to execute same. (consent)

Due to the impacts from Hurricane Helene and in anticipation of Hurricane Milton, the Solid Waste/Recycling (SWR) department contacted RDK on October 7, 2024 to secure six additional rental trucks. These included three rear-end loader trucks and three grapple/jaws trucks, which were picked up to assist with storm debris removal after Hurricane Milton passed. The requested additional funds will allow the department to use these six trucks through the end of December 2024, supporting efforts to bring the city back to being bright and beautiful from bay to beach.

The initial purchase order, approved by the City Manager in October 2023, amounted to \$96,500.00 for truck rentals through a piggyback agreement with City of Boynton Beach ITB 011-2515-19/IT, valid through March 19, 2025. On May 16, 2024, Council approved an additional \$204,000.00 to accommodate rentals due to significant operational challenges in SWR's fleet, including mechanical failures and delayed deliveries of new trucks, bringing the purchase order to \$300,500.00. Authorization is now requested for an additional \$160,000.00 to cover more rental trucks for storm debris removal, bringing the total purchase order amount to \$460,500.00.

**APPROPRIATION CODE AND AMOUNT:**

This purchase order will be coded to Solid Waste Fund cost code 4242083-544100-D2501, *Rentals-Equipment-Hurricane Milton*, which is used to track Hurricane Milton expenses. Reimbursement is anticipated from FEMA.

**USE OF RESERVE FUNDS:**

N/A

**STRATEGIC PRIORITY:**

This item falls under objective 1.3 (adopt responsive levels of service for public facilities and amenities) within High Performing Government.

*One individual spoke in opposition.*

**Councilmember Teixeira moved to approve an increase to the existing purchase order with RDK Assets, Inc of Tampa, FL for solid waste and recycling truck rentals in the amount of \$160,000.00, bringing the total not to exceed amount to \$460,500.00, pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c), Piggyback, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.11** Ratify and confirm a purchase order with CrowderGulf Joint Venture, Inc. of Mobile, AL for Hurricane Helene debris removal in an amount of \$4,146,250.00, pursuant to RFP 08-24. (consent)

On February 9, 2024, Procurement issued Request for Proposal (RFP) 08-24, Disaster Debris Removal and Disposal Services for debris removal and disposal services in the event of a major disaster and received nine responses on March 12, 2024. The evaluation committee consisting of representatives from Clearwater Fire & Rescue, Finance, Parks and Recreation and Solid Waste & Recycling carefully reviewed each submittal and recommended a primary award to CrowderGulf Joint Venture, Inc. (CrowderGulf) with a secondary award to Ceres Environmental Services (Ceres). CrowderGulf (primary) and Ceres (secondary) have the experience, equipment, manpower, permits and licenses to perform all related debris management services (DMS). The contracts to CrowderGulf and Ceres were executed by the City with the respective vendors on May 13, 2024.

In the aftermath of Hurricane Helene on September 26-27, 2024, CrowderGulf was activated by the City to provide additional debris removal and management services. On October 7, 2024, the City Manager approved this estimate of \$4,146,250.00 under an emergency declaration, per City Code of Ordinances Section 2.563(1)(k). Assuming Council ratification and confirmation of this purchase order, Solid Waste will return to Council for approval on a separate purchase order with CrowderGulf for Hurricane Milton additional debris removal and management services.

**APPROPRIATION CODE AND AMOUNT:**

This purchase order will be coded to Solid Waste Fund cost code 4242088-546300-D2402, *Disaster Response-Hurricane Helene*, which is used to track Hurricane Helene expenses. Based on FEMA guidelines, 100% reimbursement is anticipated from FEMA so long as debris is removed within 90 days. This cost is estimated to be \$5,000,000 requiring a first quarter budget amendment to this cost code and authorize the use of \$3,010,640 of

fund reserves to cover this budget increase.

**USE OF RESERVE FUNDS:**

Funding for this contract will be provided by a first quarter budget amendment allocating Solid Waste and Recycling Fund reserves in the amount of \$3,010,640.00 to provide the balance of funding needed for this purchase order. The remaining balance of Solid Waste and Recycling Fund reserves after 50% working capital reserves is approximately \$24.7 million, or 78% of the current Solid Waste and Recycling Fund operating budget.

**STRATEGIC PRIORITY:**

This item falls under objective 1.3 (adopt responsive levels of service for public facilities and amenities) and objective 1.4 (foster safe and healthy communities in Clearwater through first-class public safety and emergency response services) within High Performing Government.

*Two individuals spoke in opposition.*

**Vice Mayor Allbritton moved to ratify and confirm a purchase order with CrowderGulf Joint Venture, Inc. of Mobile, AL for Hurricane Helene debris removal in an amount of \$4,146,250.00, pursuant to RFP 08-24. The motion was duly seconded and carried unanimously.**

**6.12 Approve the 2025 city council meeting schedule.**

Per City Council Rule 1, Scheduling Council Meetings/Work Session Agendas, city council meetings are at 6:00 p.m. on the first and third Thursday of each month. The accompanying work sessions are at 1:30 p.m. on the preceding Monday, unless the Monday is a holiday, in which case the work session is on Tuesday. No meetings are held the first Thursday in January and July, or the third Thursday in December.

Staff has identified the following conflicts:

1. To accommodate the observance of the following holidays, staff recommends scheduling a council meeting only that week (no consent agenda):
  - a. Presidents Day - Monday, February 17, 2025.  
Council Meeting: Thursday, February 20, 2025
  - b. Juneteenth - Thursday, June 19, 2025.  
Council Meeting: June 18, 2025.
  - c. Labor Day - Monday, September 1, 2025  
Council Meeting - Thursday, September 4, 2025
  - d. Yom Kippur - Wednesday, October 1, 2025 through Thursday,

October 2, 2025.

Council Meeting: Monday, September 29, 2025

2. To accommodate Jazz Holiday (October 16-19, 2025), staff recommends moving the Thursday, October 16 council meeting to Wednesday, October 15.

In addition, staff is proposing a special work session on Thursday, January 30, 2025, from 9:00 am to 12:00 pm, for the annual strategic planning session.

*Councilmember Cotton said he had a conflict with the July work session and council meeting dates and requested consideration to reschedule the July meeting dates.*

*Discussion ensued with consensus to approve the 2025 meeting schedule as presented, except for the July meeting date. Staff was directed to identify alternate dates for the work session and council meetings.*

**Councilmember Cotton moved to approve the 2025 city council meeting schedule as presented, less the July meeting dates. The motion was duly seconded and carried unanimously.**

- 6.14** Approve updated legal services agreement between the City and Bush Graziano Rice and Hearing, P.A. for the legal representation in the matter of Nathaniel Brooks v. City of Clearwater and Joseph Roseto, Civil Action No. 8:21-CV-02967-SDM-TGW, and authorize the appropriate officials to execute same. (consent)

The City of Clearwater was served with a lawsuit alleging that Mr. Brooks' civil rights were violated by events that occurred between 2014 and 2018.

The Code of Ordinances requires the City to protect and defend both current and former employees in any civil action or proceeding in any state or federal court arising out of any alleged act or omission which occurred or is alleged in the complaint to have occurred while the employee was acting within the scope of his public employment or duties. Mr. Roseto was the former HR Director and named as a co-defendant with the City. The claims against Mr. Roseto were dismissed in December 2023.

In April 2023, the City Attorney initially assigned defense of this lawsuit to the law firm of GrayRobinson, P.A., with Gregory Hearing, Esq. being the lead attorney. In October 2023, Mr. Hearing moved to the law firm of Bush Graziano Rice & Hearing, P.A., and the City continued to use the services of

Mr. Hearing.

Due to the ongoing litigation, the case involving multiple defendants (City and Mr. Roseto), and the unusually long eight-day jury trial, it is necessary to increase the budget. This supplement is for \$60,000.00, which includes approximately \$21,000.00 for trial related services and the remainder for post-trial motions.

This purchase is exempt from bidding requirements pursuant to Section 2.563(1)(g), Clearwater Code of Ordinances.

**APPROPRIATION CODE AND AMOUNT:**

Funding for outside counsel is budgeted in the City Attorney's Office cost code 0109600-530100, Professional Services.

*One individual spoke in opposition.*

**Councilmember Teixeira moved to approve updated legal services agreement between the City and Bush Graziano Rice and Hearing, P.A. for the legal representation in the matter of Nathaniel Brooks v. City of Clearwater and Joseph Roseto, Civil Action No. 8:21-CV-02967-SDM-TGW, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

**Public Hearings - Not before 6:00 PM**

**7. Administrative Public Hearings**

- 7.1** Confirm the Declarations of a State of Emergency due to conditions surrounding Hurricane Helene and adopt Resolution 24-17.

The entire City of Clearwater was impacted by the wind, rain, and storm surge of Hurricane Helene and the disruption of services.

The State of Emergency was extended by Mayor Bruce Rector on October 7, 2024, October 14, 2024, and October 21, 2024. Section 15.07(2) of the Code of Ordinances requires the City Council to confirm the Declarations of a State of Emergency at the next regularly scheduled meeting.

*One individual thanked staff for their outstanding work.*

**Resolution 24-17 was presented and read by title only.**

**Vice Mayor Allbritton moved to confirm the Declarations of a State of Emergency due to conditions surrounding Hurricane Helene and adopt Resolution 24-17. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Rector, Vice Mayor Allbritton, Councilmember Cotton, Councilmember Mannino and Councilmember Teixeira

**7.2 Confirm the Declarations of a State of Emergency due to conditions surrounding Hurricane Milton and adopt Resolution 24-18.**

The entire City of Clearwater was impacted by the wind, rain, and storm surge of Hurricane Milton and the disruption of services.

A State of Emergency was proclaimed by Mayor Bruce Rector on October 7, 2024, and extended on October 14, 2024, and October 21, 2024. Section 15.07(2) of the Code of Ordinances requires the City Council to confirm the Declarations of a State of Emergency at the next regularly scheduled meeting.

**Resolution 24-18 was presented and read by title only.**

**Councilmember Mannino moved to confirm the Declarations of a State of Emergency due to conditions surrounding Hurricane Milton and adopt Resolution 24-18. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Rector, Vice Mayor Allbritton, Councilmember Cotton, Councilmember Mannino and Councilmember Teixeira

**7.3 Approve amendments to the Clearwater Code of Ordinances Chapter 22, Article II, Section 22.24, to correct the name of McKay Playfield to McKay Park; change the operating hours of McKay Park from closed between sunset to sunrise to closed between 9:00 p.m. and 7:00 a.m.; add five parks to be closed between sunset to sunrise (Bayshore Trail, North Betty Lane Neighborhood Park, Lake Chautauqua Equestrian Park and Nature Preserve, McLennan Circle Park and Rainbow Drive Park); remove one park (Holt Avenue); and pass Ordinance 9770-24 on first reading.**

Proposed Ordinance No. 9770-24 will correct the name of McKay Playfield to McKay Park as consistent with existing nomenclature which typically calls other similar Department facilities "Parks" and change the operating hours of same from closed between sunset to sunrise to closed between 9:00 p.m. and 7:00 a.m. The City is in the process of updating and renovating McKay Park with a new playground and six pickleball courts. These upgrades are the result of

public input. That same public input also suggested that the current hours were too limiting with which the Department agrees. It should be noted that the immediate area is generally within the Old Florida character district of the *Beach by Design* planning area, Tourist (T) zoning district and the Resort Facilities High (RFH) future land use classification. The Old Florida District envisions the redevelopment of this area primarily with overnight accommodation and attached dwelling uses with some limited retail/commercial and mixed-use developments along Mandalay Avenue. The immediate vicinity is characterized by a variety of overnight accommodation, retail sales and service, restaurants, bars, and attached dwelling uses. The properties to the north are predominantly developed with attached dwellings, overnight accommodations, restaurants, retail sales and service and bars. The proposed hours of operation are anticipated to be compatible with the character of the surrounding area.

The Department has determined that the proposed change in the hours of operation are consistent with Goals PPP 1 and 2 and Policies PPP 1.1.1 and 2.2.5 of the Parks & Public Places Element of the City's Comprehensive Plan as well as the intent and purpose of the Open Space/Recreation zoning district of the City's Community Development Section 2-1401 which provides that is to establish areas where public and private organizations can establish and operate passive and active open space and recreation facilities which are important to the quality of life and economic vitality of the City of Clearwater without adversely impacting the integrity of adjacent residential neighborhoods, diminishing the scenic quality of the City of Clearwater or negatively impacting the safe and efficient movement of people and things within the City of Clearwater.

In addition, the proposed Ordinance will be updated to reflect five existing parks including Bayshore Trail, North Betty Lane Neighborhood Park, Lake Chataqua Equestrian Park & Nature Preserve, McLennan Circle Park and Rainbow Drive Park. All of these parks will be closed Sunset to Sunrise. Finally, the proposed Ordinance will remove the Holt Avenue Property as that land area has been incorporated into the Phillip Jones Park and used as overflow parking.

**APPROPRIATION CODE AND AMOUNT:**

N/A

**USE OF RESERVE FUNDS:**

N/A

**STRATEGIC PRIORITY:**

Approval of the name and operating hours modifications support several



Strategic Plan Objectives, including:

- 1.2: Maintain public infrastructure, mobility systems, natural lands, environmental resources, and historic features through systematic management efforts.
- 1.3: Adopt responsive levels of service for public facilities and amenities, and identify resources required to sustain that level of service.
- 2.3: Promote Clearwater as a premier destination for entertainment, cultural experiences, tourism, and national sporting events.
- 3.1: Support neighborhood identity through services and programs that empower community pride and belonging.
- 3.2: Preserve community livability through responsible development standards, proactive code compliance, and targeted revitalization.

*Parks and Recreation Director Art Kader said the proposed ordinance does not include The Mercado, which recently opened, and requested a motion to amend.*

*In response to a question, Mr. Kader said The Mercado is located in a commercial area and staff suggested the 9:00 p.m. closure. The operating hours for most parks is sunrise to sunset. He said the operating hours for The Mercado will be adjusted for special events.*

*The City Attorney said the proposed ordinance title does not align with the body of the ordinance and suggested continuing the item.*

**Councilmember Mannino moved to postpone Item 7.3 indefinitely. The motion was duly seconded and carried unanimously.**

**7.4 Approve amendments to the Community Development Code clarifying definitions for artwork and murals (applicable citywide) and modifying window signage standards in Downtown and pass Ordinance 9791-24 on first reading.**

Proposed Ordinance No. 9791-24 addresses two items discussed by City Council at its July 29, 2024, work session. Specifically, there was consensus by City Council for consistent window signage allowances throughout the city; therefore, the proposed amendment increases the amount of window signage allowed for businesses in the Downtown District from 10% to 25%. Additionally, during the work session discussion, City Council showed support for murals and the vibrancy they can bring to the city. Proposed amendments modify the definitions for artwork and mural, providing clearer guidance on what components would constitute signage.

The Planning and Development Department has determined that the proposed

text amendments to the Community Development Code are consistent with and further the goals, objectives and policies of the Comprehensive Plan and the Community Development Code as outlined in the staff report.

The Community Development Board, in its capacity as the Local Planning Agency (LPA), reviewed the proposed amendments to the Community Development Code at its meeting on October 15, 2024 and unanimously recommended approval.

**STRATEGIC PRIORITY:**

These proposed amendments support the Economic & Housing Opportunity goal of the city's Strategic Plan by providing amendments to the Community Development Code that further support businesses.

*Two individuals spoke in support.*

*In response to questions, Planning and Development Assistant Director Lauren Matzke said where multiple windows are present as one large window, the window grouping will be treated as one window. Code still requires the storefront window signage to be transparent during the day and night. The downtown signage code does not permit that windows be tinted dark or have iridescent films. She said staff worked with several architects when the Downtown code was revised last year and implemented solar efficient windowpanes.*

*Discussion ensued with comments made that the merchants want more flexibility on signage rather than be confined per space and that signage is not a problem in Downtown. There was no consensus to increase flexibility to allow an entire windowpane be covered in signage.*

*In response to a comment, Ms. Matzke said staff will be presenting more amendments related to signage. The proposed amendment before Council was the first step.*

**Ordinance 9791-24 was presented and read by title only.**

**Councilmember Teixeira moved to approve amendments to the Community Development Code clarifying definitions for artwork and murals (applicable citywide) and modifying window signage standards in Downtown and pass Ordinance 9791-24 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Rector, Vice Mayor Allbritton, Councilmember Cotton, Councilmember Mannino and Councilmember Teixeira

**7.5 Continue to 12/19/2024: Approve amendment to the Community Development Code**

to establish standards for artificial turf, require landscaped areas in front yards for residentially zoned properties, clarify the use of nonliving landscape materials, and make other associated updates, and pass Ordinance 9775-24 on first reading. (TA2024-07002)

Due to Hurricane Helene and ongoing recovery efforts, staff requested to continue TA2024-07002 to the Community Development Board's November 19, 2024 meeting, requiring a continuance of the item before City Council. City Council adoption of this ordinance will occur in 2025, which will require a new ordinance number to be assigned to this item.

**No action.**

## **8. Second Readings - Public Hearing**

- 8.1** Adopt Ordinance 9742-24 on second reading, to approve the Vacation request from the City of Clearwater as the platted owner of an unnamed 10-foot wide alleyway portion that abuts the west Lot line of Lot 7 in Block F of the corrected plat of Clearwater Improvement Co., Plaza Park addition according to the map or plat thereof as recorded in Plat Book 5, Page 53 of the Public Records of Hillsborough county, Florida, of which Pinellas county was formerly a part.

**Ordinance 9742-24 was presented and read by title only.**

**Vice Mayor Allbritton moved to adopt Ordinance 9742-24 on second reading and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Rector, Vice Mayor Allbritton, Councilmember Cotton, Councilmember Mannino and Councilmember Teixeira

## **9. City Manager Verbal Reports**

### **9.1 North Beach Update**

*Public Works Director Marcus Williamson thanked Public Communications for disseminating information to residents regarding where storm debris should be placed. Residents kept debris out of storm inlets which helped tremendously with the response. He said vacuum trucks have cleared sand and debris from the pipes and street sweepers have been out there running. As debris piles are regenerated, street sweepers have increased their routes and will continue to do so. He said this is happening across the city. Permanent pumps have been placed. He said a design firm has been selected for the project and have been tasked with designing a cost saving and efficient system.*

*Discussion ensued with council consensus to keep the updates on the agenda as presentations.*

**10. City Attorney Reports – None.**

**11. Closing comments by Councilmembers (limited to 3 minutes)**

*Councilmembers reviewed recent and upcoming events and thanked staff for their efforts during and after the storm.*

**12. Closing Comments by Mayor**

*Mayor Rector reviewed recent and upcoming events.*

**13. Adjourn**

*The meeting adjourned at 8:17 p.m.*

Attest

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Mayor  
City of Clearwater

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City Clerk