

# City of Clearwater

*City Hall  
112 S. Osceola Avenue  
Clearwater, FL 33756*



## Meeting Minutes

Thursday, January 17, 2019

6:00 PM

Council Chambers - Main Library

**City Council**

## Roll Call

**Present:** 5 - Mayor George N. Cretekos, Councilmember Jay Polglaze, Councilmember Hoyt Hamilton, Vice Mayor Bob Cundiff and Councilmember David Allbritton

**Also Present:** William B. Horne II – City Manager, Jill Silverboard – Deputy City Manager, Micah Maxwell – Assistant City Manager, Pamela K. Akin - City Attorney, Rosemarie Call - City Clerk and Nicole Sprague – Official Records and Legislative Services Coordinator

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

### **Unapproved**

#### **1. Call to Order – Mayor Cretekos**

*The meeting was called to order at 6:00 p.m. at the Clearwater Main Library.*

#### **2. Invocation – Rev. Lee Hall-Perkins from Mt. Zion United Methodist Church**

#### **3. Pledge of Allegiance – Councilmember Hamilton**

#### **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 Swearing in Councilmember Polglaze**

*The City Clerk administered the Oath of Office to Councilmember Polglaze.*

##### **4.2 Island Estates Boat Parade Presentation - Paul Lightfoot**

##### **4.3 United Way Presentation - Tracie Hill, VP of Human Resources United Way Suncoast**

*Ms. Hill thanked the City and employees for their continued support and generosity.*

##### **4.4 Ruth Eckerd Hall Annual Report - Susan Crockett**

*Ms. Crockett provided a PowerPoint presentation*

## **5. Approval of Minutes**

- 5.1 Approve the December 6, 2018 City Council Meeting Minutes as submitted in written summation by the City Clerk.

**Councilmember Allbritton moved to approve the December 6, 2018 City Council Meeting Minutes as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.**

## **6. Citizens to be heard re items not on the agenda**

*John Funk suggested Council spend more time discussing the financial commitments proposed for Imagine Clearwater that the locals want before determining what items cannot be funded.*

*Lisa Lanza suggested allowing one or two residents who do not live in the Downtown serve on the Downtown Development Board and expressed concerns that Clearwater was not represented at the Bike Walk Summit in St. Petersburg.*

*Kathleen Beckham supported hiring a city sustainability coordinator.*

## **7. Consent Agenda – Approved as submitted, less Items 7.16 and 7.17.**

- 7.1 Approve a Mutual Use Agreement with Tampa Bay Water for the installation of natural gas distribution mains and authorize the appropriate officials to execute same. (consent)
- 7.2 Approve Tourism Promotion Agreement between the City of Clearwater and Pinellas County for and on behalf of Visit St. Petersburg/Clearwater (VSPC) for Clearwater Sea Blues Festival to be held on February 23 and 24, 2019 and authorize the appropriate officials to execute same. (consent)
- 7.3 Approve purchase order(s) with Emerald Facility Management of St. Petersburg, Florida for pressure washing and cleaning services of City hardscaping in the total annual amount of \$225,000 for one year, with two one-year renewal terms at the City's option and authorize the appropriate officials to execute same. (consent)
- 7.4 Approve award of Invitation to Bid 10-19 for the purchase of an MSM3200 ShowMaster portable stage from Century Industries, Sellersburg, Indiana, in the amount of \$142,743; authorize lease purchase under the City's Master Lease Purchase Agreement or internal financing via an interfund loan from the Capital Improvement Fund, whichever is deemed

to be in the City's best interest; declare current stage as surplus pursuant to City Code Section 2.621(II) Surplus Sale Authorization, and authorize the appropriate officials to execute same. (consent)

- 7.5** Approve a proposal by Construction Manager at Risk, Keystone Excavators, Inc. of Oldsmar, Florida, in the amount of \$798,921 for the construction of four lighted clay tennis courts at the Henry L. McMullen Tennis Complex, 1000 Edenville Ave.; approve a first quarter budget amendment to transfer \$67,000 of Penny funds from Joe DiMaggio Sports Complex (315-93655), \$74,782 from Countryside Basketball Court (315-93653) and \$35,900 from Recreation Facility impact fees (142-343963); and authorize the appropriate officials to execute same. (consent)
- 7.6** Approve a work order from McKim and Creed of Clearwater, FL, in the amount of \$2,090,473.00 for the Clearwater Water Supply and Treatment Master Plan (18-0022-UT) and authorize the appropriate officials to execute same. (consent)
- 7.7** Authorize a purchase order to American Guard Services, of Tampa, Florida, in a not-to-exceed annual amount of \$33,250, including two, one-year renewal terms at the City's discretion, and authorize the appropriate officials to execute same. (consent)
- 7.8** Award construction contracts for the 2018 Sewer Point Repairs and Improvements project (17-0060-UT) in the amount of \$1,400,000 for an initial one-year term with an option for three renewal terms on a unit price basis to the following vendors: EnviroWaste Services Group, Inc. of Miami, FL, Engineered Spray Solutions, LLC of Lakeland, FL, and USSI, LLC of Venice, FL, and authorize the appropriate officials to execute same. (consent)
- 7.9** Award a construction contract to David Nelson Construction Company of Clearwater, Florida, in the amount of \$2,711,948.58 for the Seminole Street Boat Ramp / North Marina District Improvements (16-00020-PL), approve Engineer of Record (EOR) supplemental work order 2 to AECOM in the amount of \$34,520 and authorize the appropriate officials to execute same. (consent)
- 7.10** Accept a Quit Claim Deed from West Coast Inland Navigation District (WCIND) for a section of land lying in the Southeast 1/4 of Section 09, Township 29 South, Range 15 East, Pinellas County, Florida, in the area of the Seminole Street Boat Ramp/North Marina District Improvements Project (Project), as more particularly described in Exhibit A to the Quit Claim Deed. (consent)
- 7.11** Appoint Gregory Newland as the fifth Trustee to a four-year term ending December 31, 2022 on the Clearwater Firefighters' Supplemental Trust Fund in accordance with Sec. 175.061 of the Florida State Statutes. (consent)
- 7.12** Approve Addendum to License and Services Agreements to Tyler Technologies, Inc. of Yarmouth, ME, for an additional amount not to exceed \$443,855.44 for human capital

management software licensing and professional services, for a new project total of \$2,538,394.44, and authorize the appropriate officials to execute same. (consent)

- 7.13** Approve a License, Hardware, Maintenance and Services Agreement to E.J. Ward, Inc. of San Antonio, TX, for fuel management software and hardware, GPS hardware and services, and associated professional services in an amount not to exceed \$1,285,200.00, in accordance with Code of Ordinances Section 2.564(1)(d) Other Government Bid and authorize the appropriate officials to execute same. (consent)
- 7.14** Approve a License, Maintenance and Software Services Agreement to FASTER, Inc. of Norfolk, VA, for fleet asset and work management software and services in an amount not to exceed \$229,432.00, in accordance with Code of Ordinances Section 2.564(1)(d) Other Government Bid and authorize the appropriate officials to execute same. (consent)
- 7.15** Approve Kokolakis Contracting Change Order 2 in the amount of \$57,353.08 and Erickson Consulting Engineers (ECE) Supplemental Work Order 2 in the amount of \$21,200.00 for the Clearwater Harbor Marina Wave Attenuator Replacement Project (18-0001-MA) and authorize the appropriate officials to execute same. (consent)
- 7.16** Award a contract (purchase order) to Tampa Bay Trane, in the amount of \$875,000 to replace both chillers at the Main Police Department, per proposal JY-082818-1 & H5-174809-4, in accordance with Sec. 2.564(1)(d), Code of Ordinances - Other governmental contracts and authorize the appropriate officials to execute same. (consent)  
**See below.**
- 7.17** Award a contract (purchase order) to Garland/DBS, Inc., in the amount of \$296,067 for gymnasium roof replacement at North Greenwood Recreation Center and authorize the appropriate officials to execute same. (consent)  
**See below.**
- 7.18** Authorize surplus disposition of identified vehicles via auction to the highest bidder, pursuant to City Code Section 2.622, Surplus Personal Property, and authorize the appropriate officials to execute same. (consent)
- 7.19** Approve a purchase order to Waste Management/Recycle America, L.L.C. (WM/RA) in the amount of \$350,000 for the processing of the City's single stream recycling commodity at the contractor's facility in Tampa, FL for the 12-month period beginning December 16, 2018 through December 15, 2019 as provided in the city's Code of Ordinances, Section 2.564(1)(e) Exceptions to Bid (impractical to bid) and authorize the appropriate officials to execute same. (consent)
- 7.20** Authorize a contract with Consolidated Resource Recovery, Inc., Sarasota, FL, for yard waste debris disposal, in the annual amount of \$200,000 for an initial three-year term,

with one additional two-year renewal term at the City's discretion and authorize the appropriate officials to execute same. (consent)

**7.21** Amend the 2019 city council meeting schedule to cancel the Monday, July 29 work session. (consent)

**7.22** Appoint Denise Sanderson as the Clearwater Representative on the Penny for Pinellas IV Joint Review Committee for a term effective through September 30, 2030. (consent)

**7.23** Appoint individuals as listed to the Charter Review Committee. (consent)

**Councilmember Hamilton moved to approve the Consent Agenda as submitted, less Items 7.16 and 7.17, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

**7.16** Award a contract (purchase order) to Tampa Bay Trane, in the amount of \$875,000 to replace both chillers at the Main Police Department, per proposal JY-082818-1 & H5-174809-4, in accordance with Sec. 2.564(1)(d), Code of Ordinances - Other governmental contracts and authorize the appropriate officials to execute same. (consent)

The two Chillers and related components at Main Police Department need to be replaced. The corrosive environment has deteriorated the coils and fins beyond repair. This proposal provides for the installation of a new air-cooled chiller, pumps, boilers, piping and ties into the existing controls, electrical devices and equipment as described in A/E projects drawings dated April 19, 2018.

Tampa Bay Trane is an approved vendor under HVAC for US Communities Contract # 15-JLP-023 (expires September 30, 2022). Also, the engineer of record reviewed Trane's scope and proposal and found it to be reasonable based upon the drawings and specifications that have been produced for the project.

**APPROPRIATION CODE AND AMOUNT:**

Funds are available in capital improvement project GSBM180009, New A/C Chiller Systems, to fund this contract.

*One individual suggested including a cost benefit analysis of energy efficiency when purchasing or replacing equipment, which could be handled by a sustainability coordinator.*

**Vice Mayor Cundiff moved to award a contract (purchase order) to Tampa Bay Trane, in the amount of \$875,000 to replace both chillers at the Main Police Department, per proposal JY-082818-1**

**& H5-174809-4, in accordance with Sec. 2.564(1)(d), Code of Ordinances - Other governmental contracts and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 7.17** Award a contract (purchase order) to Garland/DBS, Inc., in the amount of \$296,067 for gymnasium roof replacement at North Greenwood Recreation Center and authorize the appropriate officials to execute same. (consent)

The proposal from Garland/DBS provides for the complete gymnasium roof system replacement at North Greenwood Recreation Center. The roof system to be replaced is original to the building and has had numerous repairs and continues to have issues. The core samples of the roof indicated that complete removal and replacement of the roof system is necessary.

In choosing a contractor, staff evaluated the U.S. Communities and Master Intergovernmental Cooperative Purchasing Agreement (MICPA). Garland/DBS, Inc. is a contractor that has been awarded a bid for roofing services through this agreement. Garland took the scope of work and managed a construction bid process, resulting in three local bids for this work. The lowest responsive bid was Tarheel Roofing, Inc, which will serve as a subcontractor to Garland. The bid date was November 27, 2018.

Work shall commence upon award and execution of the proposal and anticipated to be completed 90 calendar days from the notice to proceed date.

**APPROPRIATION CODE AND AMOUNT:**

Funds are available in capital improvement project GSBM180003, Roofing Repair and Replacement, to fund this contract.

*In response to a question, Solid Waste and General Services Director Earl Gloster said the new roof will have a 30-year warranty, which covers materials and installation.*

*One individual suggesting requiring a solar panel roof quote when rebuilding or constructing a city facility, which could be handled by a sustainability coordinator.*

**Councilmember Hamilton moved to award a contract (purchase order) to Garland/DBS, Inc., in the amount of \$296,067 for gymnasium roof replacement at North Greenwood Recreation Center and authorize the appropriate officials to execute same.**

The motion was duly seconded and carried unanimously.

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

## **8. Administrative Public Hearings**

- 8.1 Approve changes to the Penny for Pinellas IV project list, as approved for fiscal years 2019/20 - 2029/30, and provide an update on the Philadelphia Phillies agreement. (APH)

On June 7, 2018, Council approved a term sheet that documented the proposed improvements to Spectrum Field and the Carpenter Complex and funding needs from the State, County, and Team. This also authorized staff to submit a Tourist Development Council (TDC) Capital Project grant application to Pinellas County and apply for certification of retained spring training facility funding from the State of Florida Department of Economic Opportunity (DEO).

On December 20, 2018, the City sent a formal request to the Pinellas County Board of County Commissioners seeking conceptual approval to begin negotiations for a Category E Tourist Development Plan Funding application to fund retained Spring Training facility improvements for Spectrum Field and Carpenter Complex.

The City's portion of funding for this agreement is \$16 million to come from Penny for Pinellas funds. Included in the project list, approved in Exhibit A of Resolution 17-22, for the fourth cycle of Penny for Pinellas was \$7.5 million planned for Spectrum/Carpenter Renovations as part of the Sports Fields and Facilities Upgrades/Improvements project. An additional \$2.5 million will be allocated from that project, leaving the need to appropriate an additional \$6 million from another source. The term sheet is contingent upon the city securing funding from all sources (County and State). The need for this increase of city funding is contingent upon the same.

On March 6, 1997, the City Council adopted Ordinance 6137-97. The ordinance established the requirement for a special hearing prior to adoption of the capital improvement budget to discuss the use of Penny for Pinellas tax, and at any time in which there is any proposed change to the Penny for Pinellas project funding of \$500,000 or more.

Changes to Penny for Pinellas projects that meet this criterion:

**Sports Fields & Facilities Upgrades/Improvements** - This project is currently funded with \$14,500,000 of Penny for Pinellas funds, of which \$10,000,000 is allocated for Spectrum/Carpenter. Final budget proposal for this plan necessitates an increase of \$6,000,000 to bring the total Penny for Pinellas



funding to \$20,500,000 in this project, for a total of \$16,000,000 for the City's portion of funding for capital construction at Spectrum/Carpenter.

**Sand Key Bridge Replacement Fund** - A reduction is proposed to this project of \$6,000,000 to allocate funding to the Sports Fields and Facilities Upgrades/Improvements project for capital construction at Spectrum Field and the Carpenter Complex.

**Councilmember Allbritton moved to approve changes to the Penny for Pinellas IV project list, as approved for fiscal years 2019/20 - 2029/30. The motion was duly seconded and carried unanimously.**

- 8.2** Declare surplus for the purpose of sale, through Invitation to Bid 22-19, property located at 912 Nicholson Street, Lot 7, Block 2, Pine Crest Subdivision, as recorded in Plat Book 1, Page 66 of the Public Records of Pinellas County, Florida, together with the South half of that certain vacated alley adjacent to the North, as recorded in Ordinance 6016-96, O.R. Book 9352, Page 294 of the Public Records of Pinellas County, Florida. (APH)

In October 2006, the City of Clearwater acquired the subject lot via a property exchange with Clearwater Neighborhood Housing Services.

It was determined that an abandoned 36-in. storm water pipe runs under ground level through a portion of the property and is no longer in use. The storm water pipe has been capped at points above and below the lot per storm water construction plans. The successful bidder will need to perform their own due diligence to determine suitability of the property for building construction. The lot will be sold "as is."

An independent appraisal was performed on the property on December 3, 2018 by Jim Millspaugh and Associates. The appraisal report determined that the fair market value of the lot is \$26,000.00. Per City Charter section 2.01(d)(5), real property declared surplus shall be sold to the party submitting the highest competitive bid above the appraised value whose bid meets the terms set by the Council and whose proposed use of the property is in accordance with the Council's stated purpose for declaring the property surplus.

All city departments have reviewed and support declaring the property surplus.

**Councilmember Polglaze moved to declare surplus for the purpose of sale, through Invitation to Bid 22-19, property located at 912 Nicholson Street, Lot 7, Block 2, Pine Crest Subdivision, as recorded in Plat Book 1, Page 66 of the Public Records of**

**Pinellas County, Florida, together with the South half of that certain vacated alley adjacent to the North, as recorded in Ordinance 6016-96, O.R. Book 9352, Page 294 of the Public Records of Pinellas County, Florida. The motion was duly seconded and carried unanimously.**

- 8.3** Approve the vacation of a portion of a gas line easement as described in Official Records Book 6366, Page 1043, Official Records of Pinellas County, Florida and pass Ordinance 9210-19 on second reading. (VAC2019-01)

After the December 6, 2018 council meeting, staff identified errors in the title block of Ordinance 9210-19 and legal description after being passed on first reading. Staff has provided a motion to amend to revise the title block and corresponding Exhibit "A" of Ordinance 9210-19.

The City Council previously found that said easement is not necessary for municipal use and deemed it to be in the best interest of the City and the general public that the same be vacated.

Ordinance 9210-19 will be presented for adoption on third reading.

**Vice Mayor Cundiff moved to approve the vacation of a portion of a gas line easement as described in Official Records Book 6366, Page 1043, Official Records of Pinellas County, Florida. The motion was duly seconded and carried unanimously.**

**Ordinance 9210-19 was presented and read by title only.**

**Councilmember Allbritton moved to amend the title of the Ordinance as follows:**

**AN ORDINANCE OF THE CITY OF CLEARWATER, FLORIDA, VACATING A PORTION OF A CERTAIN 5' GAS LINE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 6366, PAGE 1043, OFFICIAL RECORDS OF PINELLAS COUNTY, FLORIDA, LYING IN THE NORTHEAST 1/4 OF SECTION 22, TOWNSHIP 29 SOUTH, RANGE 15 EAST, PINELLAS COUNTY, FLORIDA; PROVIDING AN EFFECTIVE DATE.**

**and Exhibit "A" revise Line 16 of the Line Table as follows:**

***L16S 89° 11' 39" W5.00'.***

**The motion was duly seconded and carried unanimously.**

**Councilmember Polglaze moved to pass Ordinance 9210-19, as amended, on second reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 8.4** Approve the request from the owner of property addressed as 1911 N Old Coachman Road (Property) to vacate a 3-foot Utility Easement and a portion of a 10-foot utility easement and pass Ordinance 9226-19 on first reading. (VAC2019-02)

The property owner has requested that the City vacate a 3-foot Utility Easement and a portion of a 10-foot Utility Easement, both located on the Property, as the owner moves forward with developing this site for commercial use. There are no utilities present within either easement. All appropriate city departments have reviewed this request and have no objection to this vacation.

**Councilmember Allbritton moved to approve the request from the owner of property addressed as 1911 N Old Coachman Road (Property) to vacate a 3-foot Utility Easement and a portion of a 10-foot utility easement.**

**Ordinance 9226-19 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9226-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 8.5** Approve the request from the owner of property addressed as 2517 Deer Run East to vacate a 2-ft. by 60-ft. portion of a platted Drainage and/or Utility Easement lying in Lot 16, Block I, Northwood Estates-Tract F, as recorded in Plat Book 77, Pages 46-47 of the Public Records of Pinellas County, Florida, and pass Ordinance 9227-19 on first reading. (VAC2019-03)

The property owner at 2517 Deer Run East has requested that the City vacate the west 2 feet of a platted Drainage and/or Utility Easement along the east side (rear) of their property.

The purpose of this vacation will be to allow construction of a pool and a pool deck.

There are no utilities present within this easement. All city departments have reviewed this vacation and have no objection.

**Vice Mayor Cundiff moved to approve the request from the owner of property addressed as 2517 Deer Run East to vacate a 2-ft. by 60-ft. portion of a platted Drainage and/or Utility Easement lying in Lot 16, Block I, Northwood Estates-Tract F, as recorded in Plat Book 77, Pages 46-47 of the Public Records of Pinellas County, Florida. The motion was duly seconded and carried unanimously.**

**Ordinance 9227-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9227-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretelos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 8.6** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 3040 and 3076 Hoyt Avenue and pass Ordinances 9211-19, 9212-19, and 9213-19 on first reading. (ANX2018-10019)

These voluntary annexation petitions involve 0.370 acres of property consisting of two parcels of land occupied by single family homes. The parcels are located generally north of Drew Street, south of SR 590, and within ¼ mile west of McMullen Booth Road. The applicants are requesting annexation in order to receive sanitary sewer service from the City as part of the Kapok Terrace Sanitary Sewer Extension Project. The properties are located within an enclave and are contiguous to existing city limits along at least one boundary. It is proposed that the properties be assigned a Future Land Use Map designation of Residential Low (RL) and be assigned a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexations are consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The properties currently receive water service from the City. Collection of solid waste will be provided to the properties by the City. The applicants have paid the required sewer impact fee in full and have been connected to the city's sewer system. The properties are located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to these properties by Station 49 located at 565 Sky Harbor Drive. The City has adequate

capacity to serve these properties with sanitary sewer, solid waste, police, fire and EMS service. The proposed annexations will not have an adverse effect on public facilities and their levels of service; and

- The proposed annexations are consistent with and promote the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Low (RL) Future Land Use Map category to be assigned to all properties is consistent with the Countywide Plan designation. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to all properties is Low Medium Density Residential (LMDR). The use of the subject properties is consistent with the uses allowed in the District and the properties exceed the District's minimum dimensional requirements. The proposed annexations are therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The properties proposed for annexation are contiguous to existing city limits along at least one boundary; therefore, the annexations are consistent with Florida Statutes Chapter 171.044.

**Councilmember Allbritton moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 3040 and 3076 Hoyt Avenue. The motion was duly seconded and carried unanimously.**

**Ordinance 9211-19 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9211-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes: 5 - Mayor Cretkos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton**

**Ordinance 9212-19 was presented and read by title only. Vice Mayor Cundiff moved to pass Ordinance 9212-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**Ordinance 9213-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9213-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 8.7** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2655 Morningside Drive and 1836 Marilyn Drive and pass Ordinances 9214-19, 9215-19, and 9216-19 on first reading. (ANX2018-10020)

These voluntary annexation petitions involve 0.381 acres of property consisting of two parcels of land occupied by single family homes. The parcels are located generally north of SR 590, west of North McMullen Booth Road, east of US Highway 19, and south of Sunset Point Road. The applicants are requesting annexation in order to receive sanitary sewer and solid waste service from the City.

The property at 1836 Marilyn Drive is contiguous to existing City limits to the north, south and east. The property at 2655 Morningside Drive is not contiguous to existing city boundaries; however, it is located in an enclave surrounded by city property on all sides (Type A) and is eligible for annexation pursuant to the Interlocal Service Boundary Agreement with Pinellas County. It is proposed that the properties be assigned a Future Land Use Map designation of Residential Low (RL) and be assigned a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexations are consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The properties currently receive water service from Pinellas County. The closest sanitary sewer lines are located in the adjacent Morningside Drive and Marilyn Drive rights-of-way, respectively. The applicants are aware that all sewer impact and assessment fees must be paid in full prior to connection and of the additional costs to extend City sewer service to these properties. Collection of solid waste will be provided to

the properties by the City. The properties are located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to these properties by Station 48 located at 1700 North Belcher Road. The City has adequate capacity to serve these properties with sanitary sewer, solid waste, police, fire and EMS service. The properties will continue to receive water service from Pinellas County. The proposed annexations will not have an adverse effect on public facilities and their levels of service; and

- The proposed annexations are consistent with and promote the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

Policy A.7.2.4 Allow voluntary annexations for noncontiguous properties that are within an enclave as defined by Section 171.031(13)(a), Florida Statutes ("Type A" enclaves) and as authorized by the 2014 Interlocal Service Boundary Agreement (ISBA) between Pinellas County and municipalities, including the City of Clearwater.

- The proposed Residential Low (RL) Future Land Use Map category to be assigned to both properties is consistent with the Countywide Plan designation. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to both properties is Low Medium Density Residential (LMDR). The use of the subject properties is consistent with the uses allowed in the District and the properties exceed the District's minimum dimensional requirements. The proposed annexations are therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation at 1836 Marilyn Drive is contiguous to existing city limits to the north, south and east; therefore, the annexation is consistent with Florida Statutes Chapter 171.044. The property proposed for annexation at 2655 Morningside Drive is not contiguous to city boundaries but is located in a Type A Enclave; therefore, the annexation is consistent with the Interlocal Service Boundary Agreement authorized by Florida Statutes Chapter 171.204.

**Councilmember Allbritton moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2655 Morningside Drive and 1836 Marilyn Drive. The motion was duly seconded and carried unanimously.**

**Ordinance 9214-19 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9214-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**Ordinance 9215-19 was presented and read by title only. Vice Mayor Cundiff moved to pass Ordinance 9215-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**Ordinance 9216-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9216-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 8.8** Approve the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2720 Daniel Street and pass ordinances 9218-19, 9219-19, and 9220-19 on first reading. (ANX2018-11021)

This voluntary annexation petition involves 0.179 acres of property consisting of one parcel of land occupied by a single-family home. The parcel is located on the west side of Daniel Street approximately 210 feet southwest of Charles Avenue. The applicant is requesting annexation in order to receive sanitary sewer and solid waste service from the City. The property is located within an enclave and is contiguous to existing city limits to the west. It is proposed that



the property be assigned a Future Land Use Map designation of Residential Urban (RU) and be assigned a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The property currently receives water service from Pinellas County. The closest sanitary sewer line is located in the adjacent Daniel Street right-of-way. The applicant has paid the required sewer impact and assessment fees in full and is aware of the additional costs to extend City sewer service to this property. Collection of solid waste will be provided to the property by the City. The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station #50 located at 2681 Countryside Boulevard. The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service. The property will continue to receive water service from Pinellas County. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:
  - Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.
  - Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.
  - Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.
- The proposed Residential Urban (RU) Future Land Use Map category to be assigned to the property is consistent with the Countywide Plan designation. This designation primarily permits residential uses at a density of 7.5 units per acre. The proposed zoning district to be assigned to the property is Low Medium Density Residential (LMDR). The use of the subject property is consistent with the uses allowed in the District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation is contiguous to existing city limits to the west; therefore, the annexation is consistent with Florida Statutes

## Chapter 171.044.

**Councilmember Allbritton moved to approve the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2720 Daniel Street. The motion was duly seconded and carried unanimously.**

**Ordinance 9218-19 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9218-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**Ordinance 9219-19 was presented and read by title only. Vice Mayor Cundiff moved to pass Ordinance 9219-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**Ordinance 9220-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9220-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 8.9** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 808 Glen Oak Avenue East, 3048 Lake Vista Drive, and 3064 Hoyt Avenue and pass Ordinances 9221-19, 9222-19 and 9223-19 on first reading. (ANX2018-11022)

These voluntary annexation petitions involve 0.604 acres of property consisting of three parcels of land occupied by single family homes. The parcels are located generally north of Drew Street, south of SR 590, and within ¼ mile west of McMullen Booth Road. The applicants are requesting annexation in order to receive sanitary sewer service from the City as part of the Kapok Terrace Sanitary Sewer Extension Project. The properties are located within an enclave and are contiguous to existing City limits along at least one boundary. It is proposed that the properties be assigned a Future Land Use Map designation of

Residential Low (RL) and be assigned a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexations are consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The properties currently receive water service from the City. Collection of solid waste will be provided to the properties by the City. The applicants have paid the required sewer impact fee in full and will be connected to the city's sewer system once it is made available. The properties are located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to these properties by Station 49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve these properties with sanitary sewer, solid waste, police, fire and EMS service. The proposed annexations will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexations are consistent with and promote the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Low (RL) Future Land Use Map category to be assigned to all properties is consistent with the Countywide Plan designation. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to all properties is Low Medium Density Residential (LMDR). The use of the subject properties is consistent with the uses allowed in the District and the properties exceed the District's minimum dimensional requirements. The proposed annexations are therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The properties proposed for annexation are contiguous to existing city limits along at least one boundary; therefore, the annexations are consistent with Florida Statutes Chapter 171.044.

**Councilmember Allbritton moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 808 Glen Oak Avenue East, 3048 Lake Vista Drive, and 3064 Hoyt Avenue. The motion was duly seconded and carried unanimously.**

**Ordinance 9221-19 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9221-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**Ordinance 9222-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9222-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**Ordinance 9223-19 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9223-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**8.10** Approve amendments to Clearwater Community Development Code, Article 7 - Enforcement Proceedings and Penalties, to revise code enforcement board and special master hearing procedures, fines, and establish a new local civil penalty/citation process for code violations, and pass Ordinance 9228-19 on first reading. (TA2018-10005)

The City enforces the provisions of the Clearwater Community Development Code (Code) and the Clearwater Code of Ordinances through Article 7 of the Code. Article 7, in turn, was created under the authority of Chapter 162, Florida Statutes which vests in local governments the power to "create[e]... administrative boards with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending or repeated violation continues to exist." §

162.02, Fla. Stat.

The City desires to amend Article 7 in three respects. First, the City's proposed ordinance amends the so-called "nuisance case" regulations to allow the municipal code enforcement board or a special magistrate to enter orders permitting the City to enter onto a violator's property to abate and maintain a nuisance after notice and a hearing. Second, the ordinance re-adopts and re-affirms a heightened fine schedule that was previously adopted in 2000. And finally, the ordinance creates a new civil citation system authorizing the issuance of civil citations to code violators and establishing an appeal system should a violator elect to contest this violation.

The Planning and Development Department has determined that the proposed text amendments to the Code are consistent with and furthers the goals, objectives and policies of the Comprehensive Plan and the Code. The Community Development Board also reviewed the proposed amendment at its December 18, 2018 meeting and unanimously recommended approval.

**Vice Mayor Cundiff moved to approve amendments to Clearwater Community Development Code, Article 7 - Enforcement Proceedings and Penalties, to revise code enforcement board and special master hearing procedures, fines, and establish a new local civil penalty/citation process for code violations. The motion was duly seconded and carried unanimously.**

**Ordinance 9228-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9228-19 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretikos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 8.11** Provide direction on the proposed Development Agreement between Decade Properties, Inc. (the property owner) and the City of Clearwater, providing for the allocation of 27 units from the Hotel Density Reserve under Beach by Design and confirm a second public hearing in City Council Chambers before City Council on February 7, 2019 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2018-10002; 850 Bayway Boulevard).

**Development Proposal:**

The current proposal is to demolish all structures on the 0.661-acre site and build a single seven-floor hotel with 60 hotel rooms (91 units per acre). The 60 proposed units include 33 units otherwise permitted by the Resort Facilities

High Future Land Use classification and an additional 27 units from the Hotel Density Reserve through *Beach by Design*. The building will be 80 feet (from Base Flood Elevation) to roof. The proposal includes a tropical modern architecture, which is consistent with and complements the tropical vernacular envisioned in *Beach by Design*.

The site will be accessed via two driveways with one two-way driveway located at the northeast corner of the property and the second driveway (an ingress-only) located at the northwest corner. The primary entrance and lobby of the building will be located along Bay Way on the second floor.

The ground floor and the first four floors of the building will contain all 80 required parking spaces. Please note that the applicant has provided that floor one is the first floor over ground level parking in other words the floors run as ground, 1, 2, 3, 4, 5, 6 and 7. The ground floor includes 27 parking spaces. Floors one through three will include six hotel units as well as 14 parking spaces, each. The fourth floor will also include six units along with 11 parking spaces. Floors five through seven will include 12 hotel units each. A lobby/registration area is located on the ground floor at the northwest corner of the building. A small pool and patio area is provided on the fifth floor on the south side of the building. No additional amenities are proposed.

The existing 26-slip dock is proposed to remain with 10 of the slips available only for hotel guests. The remaining 16 slips will be available for lease by the general public. This will result in two uses being established on the property; a hotel and a marina facility. A marina facility is defined in the Community Development Code (Article 8) as a use of land involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as servicing, fueling, pumping-out, chartering, launching, and dry-storage of boats and boating equipment. A marina is defined as any structure constructed on pilings over open water or supported by flotation on the water which provides three or more boat slips for the purpose of sale or lease. The Development Agreement includes specific language to limit the specific activities which may take place on the site ensuring that the "marina facility" component of the site will be compatible with the overnight accommodations component of the site as well as adjacent and surrounding uses. Specifically, activities such as servicing, fueling, pumping-out, commercial chartering and/or and dry-storage of boats and boating equipment be strictly prohibited and that the marina slips shall be limited to sale and/or lease to privately-owned boats rather than commercial vessels for hire.

**Consistency with the Community Development Code (CDC):**

**Minimum Lot Area and Width:**

The subject property is 28,800 square feet in area and approximately 240 feet wide. The proposed lot area and width may be approved as part of a Level One Flexible Standard development (FLS) application, subject to meeting the applicable flexibility criteria of the Community Development Code.

Minimum Setbacks:

The conceptual site plan depicts setbacks to building of 15 feet along the front (south) along Bayway Boulevard, side (east and west) setbacks of 10 feet and a rear (south) setback of five feet (all to building). The proposed setbacks may be approved as part of a Level Two Flexible Development (FLD) application, subject to meeting the applicable flexibility criteria of the Community Development Code.

Maximum Height:

The proposal provides for a building 80 feet in height as measured from BFE where a height of up to 100 feet is permitted for overnight accommodations. The proposed height is also permitted by the CDC subject to meeting the applicable flexibility criteria of the CDC and as approved as part of a Level II Flexible Development application and as otherwise limited by *Beach by Design*. The height of the proposed building is consistent with the guidelines of *Beach by Design*.

Minimum Off-Street Parking:

The 60-room overnight accommodation use with a 16-slip marina facility requires a minimum of 80 off-street parking spaces with 1.2 spaces per unit (72 spaces) for the hotel component and one space per two slips (eight spaces) for the 16-slip marina facility component. A parking garage component located on the ground and first four levels of the building will provide a minimum of 80 spaces where 80 spaces are required. This is consistent with the applicable Sections of the CDC.

Landscaping:

While a formal landscape plan is not required to be submitted for review at this time, the conceptual landscape areas depicted on the site plan show that adequate spaces for foundation landscaping will be provided along the street frontage as required by Section A.6 of the Old Florida District within *Beach by Design*. Since no perimeter landscape buffers are otherwise required in the Tourist (T) District, the proposed landscape areas meet or exceed what is required. It is noted, however, that flexibility may be requested/necessary as part of a Comprehensive Landscape Program which would be reviewed at time of formal site plan approval.

**Consistency with *Beach by Design*:**Clearwater Pass District

No specific development parameters are provided within the Clearwater Pass district section of *Beach by Design*.

Design Guidelines:

A review of the provided architectural elevations and massing study was conducted and the proposed building does appear to be generally consistent

with the applicable Design Guidelines established in *Beach by Design*. It is noted, however, that a more formal review of these Guidelines will need to be conducted as part of the final site plan approval process.

*Hotel Density Reserve:*

The project has been reviewed for compliance with those criteria established within *Beach by Design* concerning the allocation of hotel rooms from the Reserve. The project appears to be generally consistent with those criteria, including that the development comply with the Metropolitan Planning Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities. The submitted Traffic Impact Study concludes that traffic operations at nearby intersections and on adjacent roadways would continue at acceptable levels of service.

**Standards for Development Agreements:**

The proposal is in compliance with the standards for development agreements, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in *Beach by Design*. The proposed Development Agreement will be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel Density Reserve under *Beach by Design* and includes the following main provisions:

- Provides for the allocation of 27 units from the Hotel Density Reserve;
- Requires the developer to obtain building permits and certificates of occupancy in accordance with Community Development Code (CDC) Section 4-407;
- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- Prohibits the conversion of any hotel unit allocated from the Hotel Density Reserve to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodation usage;
- Provides evidence that the development complies with the Metropolitan Planning Organization's (MPO) countywide approach to the application of concurrency management for transportation facilities, and includes a transportation analysis conducted for the development;
- Provides that all units in a hotel receiving units from the Reserve shall be made available to the public as overnight transient hotel guests at all times through the required hotel reservation system;
- That no hotel room in a hotel allocated units from the Reserve will have a full kitchen;
- That a reservation system shall be required as an integral part of the hotel use and there shall be a lobby/front desk area that must be operated as a typical lobby/front desk area for a hotel would be operated; and
- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

**Changes to Development Agreements:**

Pursuant to Section 4-606.I., CDC, a Development Agreement may be



amended by mutual consent of the parties, provided the notice and public hearing requirements of Section 4-206 are followed. Revisions to conceptual site plans and/or architectural elevations attached as exhibits to this Development Agreement shall be governed by the provisions of Section 4-406, CDC. Minor revisions to such plans may be approved by the Community Development Coordinator. Other revisions not specified as minor shall require an amendment to this Development Agreement.

*Senior Planner Mark Parry said staff has proposed the following amendments: increase the timeframe of the development agreement to 20 years, prohibit outdoor bar service associated with the outdoor pool patio, limit parking to hotel guests only, and limit the restaurant to basic food service, such as continental breakfast and packaged food items.*

*In response to questions, Mr. Parry said the applicant is not required to submit complete floor plans at this point; conceptual plans and elevations are required at this time. The guest registration area will be located on the ground floor. Planning and Development Director Michael Delk said some hotels, such as the Hyatt, do not have a traditional lobby but a guest registration area. Full registration lobbies with electrical on the ground floor are subject to FEMA rules. The proposed project is located in a Tourist district. Mr. Parry said if a hotel was built on the subject site, the maximum height would be 100 feet; if a condominium, 100 feet through a flexible development application. The City Attorney said the City would not have this type of a development agreement with a condominium; restrictions that can be placed on a hotel development cannot be placed on a condominium. Mr. Parry said Beach by Design provides 1) a hotel density resort pool, which is no longer available because all of the units have been allocated and 2) a hotel density reserve, which was implemented to create mid-priced hotels. The hotel density resort pool had a geographic area limitation. He said there are no geographic limitations for units out of the hotel density reserve. Mr. Delk said when the hotel density resort pool was created, the City was trying to create a new marketplace in Clearwater beach for higher end destination resort facilities. These resort facilities were concentrated in two small areas of Clearwater beach. The hotel density reserve was created to offset the economic downturn in 2005 when overnight accommodations were being lost to condominium developments. The City Attorney said the subject site is in a tourist district which is next to a residential district. Mr. Parry said the tourist district allows a wide variety of uses such as, attached dwellings, resort attached dwellings, overnight accommodations, restaurants, night clubs, brew pubs, indoor recreation, outdoor recreation, marina facilities and retail services. The City Attorney said if Council decided to rezone the property, it would require a land use*

*plan amendment and zoning district amendment. She said there would be issues associated that rezoning, such as Bert Harris, and would anticipate litigation.*

*Mr. Parry said there are types of residential uses that are permitted in the Tourist district for overnight accommodation. Attached dwellings have a rental period of 30 days or more. Resort attached dwellings have a rental period of any time (i.e., nightly, weekly, or monthly). He said the permitted density for overnight accommodations is 50 units per acre. The permitted density for attached dwellings and resort attached dwellings is 30 units per acre.*

*In response to a question, Mr. Parry said the subject site is zoned Tourist.*

*Mr. Delk requested that the applicant discuss Council's condition to not provide a bar facility at the pool since there would be no reason not to grant a license to sell beer and wine at this hotel, which would be issued to other hotel facilities on the beach. Since the proposed hotel will not have a restaurant, the project does not qualify for a full liquor license.*

*Applicant Representative Brian Aungst reviewed the request and said they have read all of the emails sent to Council regarding the proposed limited service boutique hotel. This is an opportunity for City Council to limit the development potential on this property and to control the uses on this property for at least 20 years. Mr. Aungst said there will be no restaurant, bar, meeting space or public parking. There will be a small pool on the fifth level. The current exterior outdoor pool fronts on Bayway Boulevard. He said when Beach by Design was enacted in 2001 it created a destination resort density pool which limited to specific geographic areas in Clearwater beach. The hotel density reserve was created in 2008 and unrelated to the destination resort density pool.*

*In response to questions, Mr. Aungst said the City conducted a traffic analysis as part of Beach by Design and before the hotel density reserve implementation. The analysis concluded that 1,385 units would not degrade the level of service on Clearwater beach. Gulfcoast Consulting representative Robert Pergolizzi said he conducts traffic counts within the project vicinity during weekday and peak hours and seasonally adjust the traffic counts to annual averages. The subject site is very proximate to the Sand Key Bridge, which is a great way to get off the island without going through the roundabout to Memorial Causeway. When the existing traffic was analyzed, the traffic movements in the intersections (S. Gulfview Boulevard at Gulf Boulevard, Gulf Boulevard at Bayway Boulevard, and*

Bayway Boulevard at S. Gulfview Boulevard) operated at a level B or better in the peak hour. The existing traffic on Bayway adjacent to this site had a traffic count of 60 vehicles per hour. With the traffic from this hotel, the expected daily trip generation is 502, of which 36 trips would occur in the afternoon peak hour. Per city code, a traffic study for a project of this size would not be required; a traffic study was conducted because the applicant is requesting units from the hotel density reserve. Mr. Aungst said the sanitation container is fully enclosed in the parking garage and will be rolled out on trash days; the current hotel facility has one dumpster that is rolled out during trash collection days.

In response to a concern, Mr. Delk said staff is not aware of any public access to the beach in the subject area. One must cross private property or arrive by boat to access the beach. The City Attorney said the public can walk up to below the mean high water line, the rest is private beach. The boaters can walk from the mean high water line down. Police Chief Daniel Slaughter said the Department has not received excessive complaints regarding individuals trespassing the private beach.

Mr. Aungst said there will be no available parking spaces to be leased. The applicant is required to have 1.2 parking spaces per unit for a total of 72 spaces. There are 16 boatslips that will be available for private non-commercial use, which requires 1 parking space for every 2 boatslips for a total of 8 spaces. The parking limitations for hotel guests only have been included in the development agreement. He said there is no room in this project for a bar or restaurant. Architect Robert Aude said the proposed lower lobby is in style of a boutique hotel, characteristic of what one may see in small European hotels. The small lobby will be ground level and dry flood proof with a registration area and snack area. Access to the elevators will be through the enclosed lobby. He said the designs that have been submitted at this point are conceptual; the applicant understands the enclosed access provision in Beach by Design and will be in compliance for site plan approval. Beach by Design addresses architectural treatment for parking garages; the ornamentation on the building is intended to look like windows, awnings, louvers.

Mr. Aungst said the applicant is comfortable with not having a bar on the property.

The Council recessed from 8:05 p.m. to 8:15 p.m.

*Eighteen individuals spoke in opposition.*

*Mr. Aungst said the applicant has agreed not to have amplified music on the pool deck; the restriction will be added to the development agreement. The applicant has owned the property since 1992 and has operated the site as a hotel since.*

*In response to questions, the City Attorney said if the item before Council is denied, the developer could build a condominium without a development agreement. There will be another public hearing on February 7 at which time Council will vote to approve, or not, the development agreement.*

*Discussion ensued with consensus to include the following restrictions in the development agreement: no amplified music, no public parking, no bar or restaurant on the property.*

*In response to a concern, Mr. Delk said the parking requirement is to accommodate guest and staff. The applicant has met the parking requirements.*

**Councilmember Hamilton moved to direct staff to draft a development agreement with the restrictions specified in the original document, to include there will be no amplified music, no restaurant, no bar on the property and parking be restricted to hotel guests only and to set a public hearing on February 7, 2019 in the Main Library Council Chambers. The motion was duly seconded and carried unanimously.**

- 8.12** Approve the proposed first amendment to an existing Development Agreement between NESCL, LLC (the property owner) and the City of Clearwater for property located at 443 East Shore Drive, which includes a revision to the number of overnight accommodation units, revision of the notice addresses for the developer, revision of Exhibit B to provide new conceptual site plans and elevations; adopt Resolution 19-01 and authorize the appropriate officials to execute same. (HDA2012-03001A)

**Site Location and History:**

The 1.26-acre subject property is located at the northeast corner of East Shore Drive and Papaya Street. The site is zoned Tourist (T) District with an underlying Future Land Use Plan (FLUP) category of Resort Facilities High (RFH) and is located within the Marina District of *Beach by Design*.

On June 19, 2012, the Community Development Board approved a project consisting of 134 overnight accommodation units, a 6,500 square foot restaurant, a 50-slip marina, and 15-foot wide boardwalk along the seawall of the property. Subsequently, at its meeting of July 27, 2012, the City Council entered into a Development Agreement with the developer of this project, and as part of this Agreement the Council assigned 71 units from the Hotel Density Reserve to the project to achieve 134 overnight accommodation units.

**Development Proposal:**

Since the city council meeting of December 6, 2018, the applicant has revised the Development Agreement to provide for a limitation on amplified music as requested by Council.

The proposal includes an increase in the number of overnight accommodation units within the project from 134 to 139 via two separate Transfers of Development Rights of two and three units each. The additional rooms are to be accommodated within previously approved “cabana units,” which were not considered to be rooms for overnight stay, and as such there is no expansion of the building needed to accommodate these new rooms. The development already includes sufficient off-street parking to meet the requirement of the additional rooms. The changes to the Development Agreement are listed below.

- The 7th recital is deleted and replaced to provide for an updated room count;
- Section 4.1 is deleted and replaced to provide for an updated room count and density;
- Section 6.1.8 is added to provide a limitation on amplified music at the hotel after 11:00 p.m. on Sunday through Thursday, and after 12:00 midnight on Friday and Saturday;
- Section 13: the addresses for the Developer are deleted and replaced with updated information; and,
- Exhibit “B” is deleted and replaced with updated site and building places reflecting the updated room count.

**Consistency with the Community Development Code (CDC):**

At its meeting of June 19, 2012, the Community Development Board found the development proposal to be consistent with the applicable provisions of the CDC. No aspect of those provisions is being modified as part of this proposal.

**Consistency with *Beach by Design*:**

At its meeting of June 19, 2012, the Community Development Board found the development proposal to be consistent with the applicable provisions of *Beach by Design*. No aspect of those provisions is being modified as part of this proposal.

**Hotel Density Reserve:**

The project was previously reviewed for compliance with those criteria established within *Beach by Design* concerning the allocation of hotel rooms from the Reserve and the project was found to be consistent with those criteria, including that the development comply with the Metropolitan Planning

Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities.

**Standards for Development Agreements:**

The proposal is in compliance with the standards for development agreements, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in *Beach by Design*. The proposed first amended and restated amendment to the existing Development Agreement will be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel Density Reserve under *Beach by Design* and includes the following main provisions:

- Provides for no change in the number of units (71 units) allocated from the Hotel Density Reserve (previously approved as part of DVA2012-03008/Resolution No. 12-07);
- Revises Exhibit B which includes new conceptual site plans, architectural drawings, elevations and perspectives;
- Requires the developer to obtain building permits within one year of approval of the amended and restated Development Agreement and certificates of occupancy in accordance with CDC Section 4-407;
- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- For units allocated from the Hotel Density Reserve, prohibits the conversion of any hotel unit to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodation usage; and,
- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

**Changes to Development Agreements:**

Pursuant to CDC Section 4-606.I., a Development Agreement may be amended by mutual consent of the parties, provided the notice and public hearing requirements of CDC Section 4-206 are followed. Revisions to conceptual site plans and/or architectural elevations attached as exhibits to this Development Agreement shall be governed by the provisions of CDC Section 4-406. Minor revisions to such plans may be approved by the Community Development Coordinator. Other revisions not specified as minor shall require an amendment to this Development Agreement.

The Planning and Development Department is recommending approval of this First Amendment to the Development Agreement.

**Vice Mayor Cundiff moved to approve the proposed first amendment to an existing Development Agreement between NESL, LLC (the property owner) and the City of Clearwater for property located at 443 East Shore Drive, which includes a revision to the number of overnight accommodation units, revision of the notice addresses for the developer, revision of Exhibit B to provide new conceptual site plans and elevations. The motion was duly seconded and carried unanimously.**

**Resolution 19-01 was presented and read by title only.**

**Councilmember Hamilton moved to adopt Resolution 19-01. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

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

- 9.1** Adopt Ordinance 9217-19 on second reading, amending the Community Development Code by amending Article 3, Division 18, Signs, removing regulations specific to downtown; amending Article 4, Division 10, Sign Permit, adding a reference to Appendix C; amending Appendix C, Downtown Zoning District and Design Standards, Division 7., Sign Standards, establishing new sign standards specific to downtown; amending Article 8, Definitions Related to Signage.

**Ordinance 9217-19 was presented and read by title only.**

**Councilmember Allbritton moved to adopt Ordinance 9217-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

## **10. City Manager Reports**

- 10.1** Ratify and confirm an increase to Purchase Order No. 18001102 with Ultimate CNG, LLC in the amount of \$197,600, for the period November 24, 2018 through January 18, 2019; approve an increase with Ultimate CNG in the amount of \$127,200, for the period January 19, 2019 through March 1, 2019, to provide mobile compressed natural gas services at the Clearwater natural gas filling station and authorize the appropriate officials to execute same.

Ultimate CNG, LLC is currently providing temporary Compressed Natural Gas (CNG) refueling services, via a mobile CNG storage truck, at our CNG Filling Station located at 1020 North Hercules Avenue. This purchase order was originally approved by the City Manager in August 2018, in the amount of \$99,715 and a 2nd Agreement, in the amount of \$197,600, for a total amount of \$297,315. These two agreements were ratified and confirmed by City Council on September 6, 2018. A third increase was approved by City Council on October 18, 2018, in the amount of \$74,100.

Staff is now requesting for Council to extend their services for the period starting November 24, 2018 through March 1, 2019. Services under Agreement

4 would end on January 18, 2019 and Services under Agreement 5 would start on January 19, 2019 through March 1, 2019.

The reason for the increase is a result of the primary CNG compressor experiencing a mechanical failure after a repair was made in August. Additional parts failed after the repair was completed and now those parts need to be replaced. The parts are currently on order and waiting on them to be manufactured and shipped. The compressor was originally manufactured in England, UK and several of the parts needed are not available in the USA. These two increases will set the total amount of the Purchase Order to \$696,215.

**USE OF RESERVE FUNDS:**

Funds are budgeted and available in 4232078-531300.

**Councilmember Polglaze moved to ratify and confirm an increase to Purchase Order No. 18001102 with Ultimate CNG, LLC in the amount of \$197,600, for the period November 24, 2018 through January 18, 2019; approve an increase with Ultimate CNG in the amount of \$127,200, for the period January 19, 2019 through March 1, 2019, to provide mobile compressed natural gas services at the Clearwater natural gas filling station and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

**10.2 Approve a street name change from Damascus Rd. to Dr. Kiran C. Patel Blvd. and adopt Resolution 19-02.**

The City of Clearwater received a request from the property owner developing Nova Southeastern University to change the name of a certain no outlet road running Northerly off Courtney Campbell Causeway (State Road 60) into the university property, from Damascus Rd. to Dr. Kiran C. Patel Blvd. There are no city addresses affected by the street name change, Pinellas County 911 has no objection and city staff is agreeable to the name change.

*One individual questioned the name change.*

*It was stated that Clearwater Christian College (CCC), the previous landowner, named the street Damascus Road.*

**Vice Mayor Cundiff moved to Approve a street name change from**



**Damascus Rd. to Dr. Kiran C. Patel Blvd. The motion was duly seconded and carried unanimously.**

*A suggestion was made that a plaque commemorating the 49 years CCC was active be placed somewhere on the campus.*

**Resolution 19-02 was presented and read by title only.**

**Councilmember Hamilton moved to adopt Resolution 19-02. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretelos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 10.3** Approve a funding agreement between the City of Clearwater and the Pinellas Suncoast Transit Authority (PSTA) to provide enhanced Jolley Trolley service during Spring Break period of March 1, 2019 through April 30, 2019, with the City contributing a lump sum not to exceed \$96,394 and authorize the appropriate officials to execute same.

Alternatives for traveling to Clearwater Beach during the Spring Break season are critical to the economic vitality of Clearwater and our tourism industry. The City and PSTA propose utilizing the City Hall parking lot and two other lots adjacent to City Hall as park and ride lots for the 66-day period commencing March 1, 2019, through April 30, 2019. City Hall parking meters will be suspended during this period. Instead of driving, users will have the option of taking the free Trolley services to and from the Beach or paying to ride the Clearwater Ferry Taxi Service. The Trolley service will be free only for people who board the trolley at the City Hall park and ride site, at the Clearwater Beach Transit Station on the north side of Memorial Causeway, or at the Clearwater Beach Municipal Marina designated pick up location.

PSTA currently provides regular service on several routes between Downtown and Clearwater Beach, as well as north and south along the Beach. PSTA operates the Suncoast Beach Trolley which runs from Downtown Clearwater south to St. Pete Beach, and has an agreement with the Jolley Trolley to operate a Beach circulator (North and South Beach routes), as well as the Coastal route connecting to Tarpon Springs. As part of this agreement, PSTA developed a service plan that will increase the number of vehicles serving the Beach during the Spring Break season, especially on the weekend periods from Friday through Sunday during spring break periods for local school districts and during the three weekends of the Sugar Sands Festival.

The proposed agreement sets forth the City's commitment to contribute a lump sum not to exceed \$96,394 towards PSTA's additional financial obligations,

including PSTA's agreement with the Jolley Trolley to provide enhanced service on its Beach circulator routes during the Spring Break season.

Riders will have significantly shorter wait times this season with additional plug-in vehicles to maintain the service headway at 15-minute intervals at the City Hall lot. The free park and ride service is planned to start at 10:00 AM and end at the regular close of service (approximately 10:00 PM Sunday-Thursday and 12:00 AM Friday/Saturday). The City and PSTA have developed a marketing plan that includes a media campaign and promotional components. Directional signs for park and ride locations and Dynamic Message Signs will also be deployed. Coordination with, and information about, other transportation alternatives such as the Clearwater Ferry will be included in the materials developed.

**APPROPRIATION CODE AND AMOUNT:**

A first quarter budget amendment will increase cost code 4351333-581000, Payment to Agencies, by \$96,394 to fund this contract. This increase will be funded with available Parking operating revenues.

*In response to questions, Senior Planner Rick Hartman said last year the agreement was for a 10-week period. This year the agreement will cover an 8-week period. Last year's ridership was estimated at 26,000; it was determined the service lacked sufficient trolleys during the first few weeks of the program and PSTA incorporated additional trolleys on an emergency basis. This year's schedule is shorter but will cover an additional weekend with heavy activity for an additional \$30,000. Mr. Hartman said the trolleys this year will be equipped with automated people counters, providing daily counts throughout the agreement period.*

*One individual said trolleys in other cities are funded by the local businesses and provided for free. She suggested that the local businesses pay for the service.*

*Deputy City Manager Jill Silverboard said the agreement is being paid through the parking fund not general revenue fund.*

*A concern was expressed with the use of taxpayer money to fund this service that is already receiving federal and state funds.*

**Councilmember Polglaze moved to approve a funding agreement between the City of Clearwater and the Pinellas Suncoast Transit Authority (PSTA) to provide enhanced Jolley Trolley service**

during Spring Break period of March 1, 2019 through April 30, 2019, with the City contributing a lump sum not to exceed \$96,394 and authorize the appropriate officials to execute same. The motion was duly seconded and carried with the following vote:

**Ayes:** 4 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton and Councilmember Allbritton

**Nays:** 1 - Vice Mayor Cundiff

**10.4** Approve 2019 State Legislative Priorities.

*The City Clerk said, as directed at the work session, the following statement was added under Issues to Support: Renew the Entertainment Industry Financial Incentive Program to continue attracting film and television production to the State of Florida.*

**Councilmember Allbritton moved to approve 2019 State Legislative Priorities. The motion was duly seconded and carried unanimously.**

**10.5** Provide direction for the Charter Review Committee.

*Discussion ensued with direction given to consider increasing the review frequency to ten years, increasing the salaries for the mayor and councilmembers, and instituting districts. There was council consensus the Charter Review Committee not discuss the form of government.*

*The City Attorney said the topics of districting and council salary comes up with every charter review. She will structure a detailed discussion on districting that would include hiring an expert.*

**10.6** Approve a budget increase in project C1909, City Hall Move, of \$168,085 for a total of \$383,085 to be funded with an allocation of General Fund reserves.

On August 2, 2018, Council approved a five-year lease agreement with One Clearwater Tower to serve as administrative offices for departments currently housed in City Hall.

On November 15, 2018, Council approved a purchase order with Encore

Broadcast Equipment, Inc. for labor and equipment to relocate the broadcast facilities from City Hall to the Clearwater Main Library. As part of this agenda item, Council approved creation of a capital project to account for all costs associated with the move out of City Hall and funded based upon costs known at the time, which were \$153,355.74 for broadcast facilities, \$50,000 for IT related upgrades, and \$11,644.26 for moving and other miscellaneous items.

The need for a project budget increase is for two distinct purposes. The first is to add funding for minor costs related to adjustments to the space/furnishings, movers, wiring installation and signage which total \$7,455.

The second relates to the funding of the lease payments themselves. Due to the timing of lease negotiations, no funding was included in the fiscal year 2018/19 operating budget for rental payments. This portion of the budget increase will include funding for the remainder of the fiscal year (8 payments) which total \$160,629.36. At the end of the fiscal year, staff will bring forward an amendment to the budget that will reduce the budget of all areas where actual savings occurred (electrical, utilities, security, custodial, maintenance, etc.) and reallocate those savings back to the general fund reserves. All future rental payments will be included in the operating budget of City Hall departments.

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

A first quarter budget amendment will provide an allocation of \$168,085 from General Fund Reserves to project C1909, City Hall Move.

#### **USE OF RESERVE FUNDS:**

Funding will be provided by a first quarter budget amendment allocating General Fund reserves in the amount of \$168,085 to capital improvement project C1909, City Hall Move. Inclusive of this item if approved, a net total of \$920,460 of General Fund reserves has been appropriated by Council to fund expenditures in the 2018/19 operating budget. The remaining balance in General Fund reserves after the 8.5% reserve is approximately \$8.7 million, or 5.9% of the current General Fund operating budget.

**Vice Mayor Cundiff moved to approve a budget increase in project C1909, City Hall Move, of \$168,085 for a total of \$383,085 to be funded with an allocation of General Fund reserves. The motion was duly seconded and carried with the following vote:**

**Ayes:** 4 - Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

**Nays:** 1 - Mayor Cretekos

*Council recessed from 9:55 p.m. to 10:01 p.m.*

**10.7** Discuss Imagine Clearwater.

Following the special council meeting on December 3rd, 2018 staff has brought forward a site layout and size and scope renderings of a bandshell that would support increased structural back of house facilities and an overhang that could 3,000 seated guests during a concert.

Based on this information, staff is seeking direction on the size and scope that the council would like to see the structure designed to. This information will allow us to move forward with design of other elements of the park while we refine the site area for the bandshell structure over the coming months. Staff will be returning to council several times to discuss other elements that hinge on this decision.

*Assistant City Manager Micah Maxwell provided a PowerPoint presentation. Staff has received a scope of work for a financial feasibility of the venue, which should be completed within a 6 to 12-week timeframe. The financial feasibility will determine the operational costs and the estimated revenues based on the market study.*

*In response to questions, Mr. Maxwell said the market study will show which venue version would be most in demand in the area. The study will also look into the charter restrictions on the property and how it impacts the ability to compete with venues in the market that do not have the restrictions. The financial feasibility will be paid via Stantec using the already approved budget. He said when the focus was on the green space and a bandshell, staff did not consider conducting a market study. An economic impact study would extend beyond the market study or the idea if the performance venue was financially feasible to sustain itself since it would include the Downtown. If the proposed size and scope of the bandshell showed this evening is okay with Council, items related to the rest of the park (i.e., lake, Coachman Garden area, Bluff walk area) can move forward. Mr. Maxwell said there is a Stantec sub-consultant who is well versed in the field; the consultant intends to reach out to Zev Buffman for his perspective on the performance venue.*

*Discussion ensued with comments made there are experts in the community who can assist Stantec and staff with the performance venue and that project components must move forward.*

*There was consensus for staff to proceed with the market analysis and economic impact study.*

*One individual opposed a bigger bandshell and the play area in a sloped space.*

*One individual opposed REH's suggested "bandshell" and supported a low-key family-oriented park.*

**11. City Attorney Reports – None.**

**12. Closing comments by Councilmembers (limited to 3 minutes) – None.**

**13. Closing Comments by Mayor**

*Mayor Cretelos reviewed recent and upcoming events.*

**14. Adjourn**

*The meeting adjourned at 10:32 p.m.*

Attest

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor  
City of Clearwater