

# City of Clearwater

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



## Meeting Minutes

**Thursday, February 15, 2024**

**6:00 PM**

**Main Library - Council Chambers**

**City Council**

**Roll Call**

**Present:** 5 - Mayor Brian Aungst Sr., Vice Mayor Mark Bunker, Councilmember David Allbritton, Councilmember Kathleen Beckman and Councilmember Lina Teixeira

**Also Present:** Jennifer Poirrier – City Manager, Michael Delk – Assistant 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 Aungst**

*The meeting was called to order at 6:00 p.m.*

**2. Invocation – Major Ted Morris from The Salvation Army****3. Pledge of Allegiance****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 February Service Awards**

*Five service awards were presented to city employees.*

**4.2 Youth Art Month Proclamation: March 2024 - Beth Daniels, Co-President CAA****4.3 Irish American Heritage Month Proclamation: March 2024 - Brendan Kelley, President AOH****4.4 Teen Dating Violence Awareness and Prevention Proclamation, February 2024 - John Long, Vice President of Abuse Services from Hope Villages of America****4.5 Black History Month Proclamation, February 2024 - Diversity Leadership Council Chair, Karla Deas and Diversity Leadership Council member, Larry Jones.****5. Approval of Minutes****5.1 Approve the minutes of the February 1, 2024 City Council meeting as submitted in written summation by the City Clerk.**

**Councilmember Beckman moved to approve the minutes of the**

**February 1, 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 and 6.8**

- 6.1** Approve the Fourth Amendment (Amendment) to Agreement for Development and Purchase and Sale of Property between the Community Redevelopment Agency of the City of Clearwater (CRA), the City of Clearwater (City), and Archway Clearwater Gardens, LLC (Archway); and authorize the appropriate officials to execute same. (consent)

**See below.**

- 6.2** Accept a Sovereignty Submerged Lands Easement from Board of Trustees of the Internal Improvement Trust Fund of the State of Florida, for the construction, installation, and maintenance of gas utility facilities on real property lying Oakwood Drive, over Stephanie's Channel, Pinellas County, Florida. (consent)
- 6.3** Accept a Gas Utility Easement from Chateaux Des Lacs HMOWN Association, for the construction, installation, and maintenance of gas utility facilities on real property located at Rue Des Chateaux Tarpon Springs, FL 34688. (consent)
- 6.4** Accept a Gas Utility Easement from Roosevelt Crossings LLC , for the construction, installation, and maintenance of gas utility facilities on real property located at 2659 Roosevelt Blvd, Largo FL 33760. (consent)
- 6.5** Accept a Gas Utility Easement from Khalil Nagy, for the construction, installation, and maintenance of gas utility facilities on real property located at 4150 Rowan Rd, New Port Richey, FL 34653. (consent)
- 6.6** 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 February 25, 2024, through April 27, 2024, with the City contributing an amount not to exceed \$102,287 and authorize the appropriate officials to execute same. (consent)
- 6.7** Approve a Guaranteed Maximum Price (GMP) to AJAX BUILDING COMPANY, LLC of Midway, FL, for an early release package for construction for the new City Hall Project (22-0019-EN) in the amount of \$7,407,439 pursuant to Request for Qualifications (RFQ) 59-23 and authorize the appropriate officials to execute same. (consent)
- 6.8** Approve a Guaranteed Maximum Price (GMP) to Biltmore Construction of Belleair FL for the construction of the Gateway Plaza (Mercado) in the amount of \$930,929.00 pursuant

to Request for Qualifications (RFQ) #40-20, Construction Manager at Risk (CMAR), and authorize the appropriate officials to execute same. (consent)

**See below.**

- 6.9** Approve a professional services agreement and work order with Rowe Architects, LLC of Tampa, Florida to conduct a building conditions assessment for the North Ward School in the amount of \$213,785.00 pursuant to Request for Qualifications (RFQ) No. 57-23, Specialized Historic Architectural Preservation Consulting Service, and authorize the appropriate officials to execute same. (consent)
- 6.10** Authorize purchase orders to multiple vendors for the purchase of computer parts, servers, and network equipment in the cumulative not-to-exceed amount of \$1,200,000.00 for term February 1, 2024 through September 30, 2024, 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)
- 6.11** Authorize an increase to the current purchase order with State of Florida Department of Management Services (DMS) for SUNCOM long distance service, State AIN Centranet lines, and toll-free lines, in an amount not to exceed \$147,564.00 for the period February 1, 2024 through January 31, 2025, bringing the total amount of purchase order to \$184,455.00 pursuant to Clearwater Code of Ordinances Section 2.563(1)(c), Piggyback or Cooperative Purchasing, and authorize the appropriate officials to execute same. (consent)
- 6.12** Authorize an increase to the current purchase order with APG Electric Inc, dba APG Technology for Audio/Video equipment, wireless equipment, supplies, and services, in an amount not to exceed \$750,000.00 for the period February 1, 2024 through November 30, 2026, bringing the total amount of purchase order to \$782,549.82 pursuant to Clearwater Code of Ordinances Section 2.563(1)(c), Piggyback or Cooperative Purchasing, and authorize the appropriate officials to execute same. (consent)
- 6.13** Approve a purchase order with Hadronex Inc. DBA SmartCover System located in Escondido, California, and the city of Clearwater Public Utilities for the purpose of using SmartCover software for online application of mapping and monitoring service of the wastewater system, from February 2, 2024 through January 31, 2026, in the amount of \$74,236.65 pursuant to Clearwater Code of Ordinances Section 2.563(1)(a), Single Source, and authorize the appropriate officials to execute same. (consent)
- 6.14** Approve a 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)

**Vice Mayor Bunker moved to approve the Consent Agenda as submitted, less Items 6.1 and 6.8, and authorize the appropriate**

**officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.1** Approve the Fourth Amendment (Amendment) to Agreement for Development and Purchase and Sale of Property between the Community Redevelopment Agency of the City of Clearwater (CRA), the City of Clearwater (City), and Archway Clearwater Gardens, LLC (Archway); and authorize the appropriate officials to execute same.

Archway Clearwater Gardens, LLC has requested a modified schedule of various milestones in the Agreement for Purchase and Sale of Property, as amended (Agreement), between the CRA, the City and Archway. Archway has been awarded project-based vouchers for this project from the Clearwater Housing Authority. For consistency with the voucher program, Archway is required to complete a subsidy analysis with the United States Department of Housing and Urban Development (HUD). While Archway has submitted all required documentation, the timing of HUD's response may require a later closing date which will require a shift in other milestones as well.

Clearwater Gardens affordable housing development, located at 1250 Cleveland Street, was selected by Florida Housing Finance Corporation (FHFC) for a 9% Tax Credit award. The project will provide for 52 one-bedroom and 29 two-bedroom units for a total of 81 units. 30 units will be reserved for households earning up to 80% of Area Median Income (AMI) as determined by HUD, 31 units will be reserved for households earning up to 60% AMI, and 20 units will be reserved for households earning up to 30% AMI. Archway is coordinating with the Clearwater Housing Authority to receive 20 project-base vouchers. The developer will continue the operation of the community garden located on the property.

The First Amendment to the Agreement dated February 14, 2022, provided Archway additional time to apply for tax credit funding under multiple Florida Housing Finance Corporation's housing development programs. The Second Amendment dated September 19, 2022, provided for an additional \$3,000,000 loan from the CRA and it increased the City's local government contribution from \$75,000 to \$610,000, also in the form of a loan. Other accommodations were made in the Second Amendment assuming Archway would secure 4% tax credit financing, but this did not occur. The Third Amendment extended several milestones in the Agreement.

With the Fourth Amendment, staff is recommending many of the same milestones modified with the Third Amendment to be extended further. Proposed modifications are outlined below. Archway is optimistic that they will achieve the modified milestones in advance of what has been proposed and no further extensions will be necessary.

Section	Category	Current	Proposed
4.05(b)	Building Permits	3/1/2024	6/1/2024
4.05(c)	Commence Construction	4/1/2024	7/1/2024
4.05(d)	50% Construction Completion	1/1/2025	4/1/2025
4.05(e)	100% Construction Completion	10/1/2025	1/1/2026
4.05(f)	Begin Pre-Leasing	8/1/2025	11/1/2025
4.05(g)	Lease Up Complete	1/1/2025	4/1/2026
6.10	Closing Date	3/15/2024	6/15/2024
7.02(a)	Commence Construction	4/1/2024	7/1/2024
7.02(b)	Commence Vertical Construction	10/1/24	1/1/2025

The City is a party to the agreement only as it relates to sections 3.07 and 15.18 of the Agreement. Section 3.07 of the Agreement required Archway to grant and deliver to the City, its heirs, successors, licensees, or assigns, a perpetual exclusive easement over the area existing as a community garden, solely for use as a community garden. The Amendment requires Archway to execute a declaration of restrictive covenant, instead of a perpetual easement, restricting the use to a community garden for the benefit, use, and enjoyment of the public. This change eliminates the need for the City to procure, manage, or contract with future operators and users of the community garden. Archway will take on this responsibility. Section 15.18 commits the City to a contribution of \$610,000 to the project in the form of a deferred loan. This amount is considered the Local Government Areas of Opportunity funding commitment and is required for a project application to receive the maximum amount of basis points. Section 15.18 is not affected by the amendment.

**APPROPRIATION CODE AND AMOUNT:**

Funds are available and allocated in project code R2010 Housing- County

**STRATEGIC PRIORITY:**

This item supports the following objectives set forth in the City of Clearwater Strategic Plan:

- 2.4 Support equitable housing programs that promote household stability and reduce the incidence of homelessness within Clearwater.
- 4.3 Protect the conservation of urban forests and public green spaces to promote biodiversity and reduce our carbon footprint.

*One individual spoke in opposition.*

**Councilmember Teixeira moved to Approve the Fourth Amendment (Amendment) to Agreement for Development and Purchase and Sale of Property between the Community Redevelopment Agency of the City of Clearwater (CRA), the City of Clearwater (City), and Archway Clearwater Gardens, LLC (Archway); and authorize the appropriate officials to execute same. The motion was duly**

**seconded and carried unanimously.**

**6.8** Approve a Guaranteed Maximum Price (GMP) to Biltmore Construction of Belleair FL for the construction of the Gateway Plaza (Mercado) in the amount of \$930,929.00 pursuant to Request for Qualifications (RFQ) #40-20, Construction Manager at Risk (CMAR), and authorize the appropriate officials to execute same. (consent)

This is a companion item to a CRA item requesting transfer of \$1,154,762.61 to complete the Mercado construction.

On May 20, 2021, Council approved a contract to Gibbs and Register to construct the Cleveland Street Streetscape Phase III (16-0003-UT) project. The Mercado design was not complete, and not included in the contract.

On October 17, 2022, Council approved the shade structure and turf design concepts for the Mercado public space at the intersection of Cleveland St. and Gulf to Bay Blvd.

On February 18, 2023, staff presented an overview to the CRA Trustees that the change order pricing from Gibbs & Register was over budget. Staff recommended allowing Gibbs & Register to complete the streetscape project and get new pricing from another firm to construct the Mercado portion. The City worked with Biltmore Construction under the CMAR, Continuing Services contract (RFQ #40-20), for a cost proposal to construct the Mercado. To realize cost savings to the City, Public Works will return to Council shortly for approval of a Purchase Order (PO) to USA Shade who was paid a deposit and designed and provided structure hardware under the initial Gibbs & Register contract, hence impractical to bid.

The project is expected to be complete by September 2024.

**APPROPRIATION CODE AND AMOUNT:**

A first quarter budget amendment will establish capital project 315-C2105, Mercado-Downtown Gateway and recognize a budget increase of \$1,154,762.61 of Community Redevelopment Agency (CRA) tax increment financing (TIF) funds transferred from the CRA to provide funding for the completion of the Mercado capital improvement project.

**STRATEGIC PRIORITY:**

*One individual spoke in opposition.*

**Councilmember Allbritton moved to approve a Guaranteed Maximum Price (GMP) to Biltmore Construction of Belleair FL for the construction of the Gateway Plaza (Mercado) in the amount of**

**\$930,929.00 pursuant to Request for Qualifications (RFQ) 40-20, Construction Manager at Risk (CMAR), 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** Approve a Management Agreement between the City of Clearwater (City) and the Clearwater Community Sailing Center Association, Inc. (Sailing Center Association) for use of the building and property located at 1001 Gulf Boulevard from March 1, 2024 through February 28, 2029 and authorize the appropriate officials to execute same. (consent)

Staff recommends that the City enter into this Management Agreement with the Sailing Center Association, a 501c3 nonprofit organization, where the Sailing Center Association will manage the premises of the City at 1001 Gulf Boulevard.

The City and the Sailing Center Association initially entered into an agreement in 2002, and since then, the City and Sailing Center Association worked together to offer services that benefit the community. The Sailing Center Association provides local residents and visitors a variety of services including providing safe, enriching, and affordable sailing opportunities for all ages and abilities.

The Sailing Center Association will pay rent of \$2,000 monthly to the City with a 5% increase to be added to the rent payment on March 1st of each year of this Agreement, beginning on March 1, 2025. The City may terminate this Agreement for any municipal need by providing 60 days written notice.

The City will be responsible for the maintenance of foundation, outer walls, roof, piers, docks, life cycle replacement of the heating/air-conditioner system, and other major capital improvements required for the premises. The Sailing Center Association will be responsible for routine daily maintenance of the facility and minor repairs to bathrooms, hallways, rental rooms, offices, lights, etc. The Sailing Center Association is also responsible for all day-to-day operations of the center including programming of the facilities in accordance with their business plan made a part of this Agreement.

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

N/A

#### **STRATEGIC PRIORITIES:**



In approving this lease agreement, as noted above, the City is accomplishing Objectives 1.3, adopting responsive levels of service for public facilities and amenities, and identifying resources required to sustain that level of service; 2.1, strengthening public-private initiatives that attract, develop, and retain diversified business sectors; 2.2, cultivating a business climate that welcomes entrepreneurship; and 2.3, promoting Clearwater as a premier destination for cultural experiences and tourism.

**Councilmember Beckman moved to approve a Management Agreement between the City of Clearwater (City) and the Clearwater Community Sailing Center Association, Inc. (Sailing Center Association) for use of the building and property located at 1001 Gulf Boulevard from March 1, 2024 through February 28, 2029 and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 7.2** Vacate all prior recorded antiquated resolutions and terminate the Interlocal Agreement with Pinellas County concerning the property Old City Hall now subject to a purchase and sale contract and adopt Resolution 24-05.

On November 8, 2022, the City of Clearwater entered into a Sales Agreement to sell the “Old City Hall” property.

In support thereof, on December 7, 2023, the City approved the vacation of two abandoned Utility easements.

During the preliminary title approval process, recorded documents (antiquated property use Resolutions and obsolete Pinellas County Interlocal Planning Agreement) were confirmed as needing termination, thereby allowing the Buyers to obtain a cleared title insurance policy.

Adopting this Resolution is the City’s good faith effort to remove encumbrances and facilitate the sale of the Property.

City staff have reviewed and approved this Resolution and recommend adoption.

**STRATEGIC PRIORITY:**

1.5 Embrace a culture of innovation that drives continuous improvement and successfully serves all our customers.

5.3 Generate organizational success through collaborative engagement and inclusive decision-making to create shared value outcomes.

**Resolution 24-05 was presented and read by title only.**

**Vice Mayor Bunker moved to vacate all prior recorded antiquated resolutions and terminate the Interlocal Agreement with Pinellas County concerning the property Old City Hall now subject to a purchase and sale contract and adopt Resolution 24-05. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 7.3** Approve the request to vacate a drainage easement at 309 Coronado Drive, Clearwater, from the property owners DC Clearwater Beach 1 Property, LLC as recorded in O.R. Book 15904, Page 863-868, of the Public Records of Pinellas County, FL, and pass Ordinance 9743-24 on first reading.

The owners have confirmed that the City has a recorded 15-foot drainage utility easement which interferes with the property's development. The City's existing drainage facilities for this property are not located in the recorded easement.

As a condition of this vacation, the owners have executed a Drainage and Public Utility easement to cover the property's existing unrecorded drainage facilities.

There are no city utilities within the easement to be vacated.

City staff have reviewed and approve of this request.

**STRATEGIC PRIORITY:**

Adopt responsive levels of service for public facilities and amenities, and identify resources required to sustain that level of service.

**Ordinance 9743-24 was presented and read by title only.**

**Councilmember Teixeira moved to approve the request to vacate a drainage easement at 309 Coronado Drive, Clearwater, from the property owners DC Clearwater Beach 1 Property, LLC as recorded in O.R. Book 15904, Page 863-868, of the Public Records of Pinellas County, FL, and pass Ordinance 9743-24 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 7.4** Reapprove the Joint Participation Agreement (JPA) G2092 between the City of Clearwater and the State of Florida Department of Transportation (FDOT), Parking Lot Expansion and Rehabilitation at the Clearwater Airpark, authorize the appropriate officials to execute same, and adopt Resolution 24-01 as amended.

FDOT JPA Agreement G2092 provides for an 80% grant for Parking Lot Expansion and Rehabilitation, with 20% cash match. The design and construction will provide the plans, permitting, and the construction for the new Parking Lot. The project cost is estimated at \$800,000 with FDOT contributing \$640,000 and FlyUSA reimbursing the City for the cash match portion estimated at \$160,000.

**APPROPRIATION CODE AND AMOUNT:**

A first quarter budget amendment will increase capital project 302-G2307, Aviation Operations Center, by \$800,000 recognizing grant funding of \$640,000 and reimbursement revenues of \$160,000 to provide project funding for this agreement.

**STRATEGIC PRIORITY:**

High Performing Government: 1.2 Maintain public infrastructure, mobility systems, natural lands, environmental resources, and historic features through systematic management efforts.

Economic & Housing Opportunity: 2.2 Cultivate a business climate that welcomes entrepreneurship, inspires local investment, supports Eco-friendly enterprises, and encourages high-quality job growth.

**Resolution 24-01 was presented and read by title only.**

**Councilmember Allbritton moved to reapprove the Joint Participation Agreement (JPA) G2092 between the City of Clearwater and the State of Florida Department of Transportation (FDOT), Parking Lot Expansion and Rehabilitation at the Clearwater Airpark, authorize the appropriate officials to execute same, and adopt Resolution 24-01 as amended. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 7.5** Reapprove the Joint Participation Agreement (JPA) G2086 between the City of

Clearwater and the State of Florida Department of Transportation (FDOT), Geo Technical and Survey of Airpark Property at the Clearwater Airpark, authorize the appropriate officials to execute same, and adopt Resolution 24-02 as amended.

FDOT JPA Agreement G2086 provides for an 80% grant for the Geo Tech and Survey work, with 20% cash match. Clearwater Airpark has several important infrastructure improvement projects planned to improve the user experience as well as to upgrade facilities that have passed their useful life. These projects include milling and resurfacing existing asphalt, a new terminal building, new corporate hangars and T-hangars, repairs to existing hangars, and the potential for expanding asphalt areas for plane tie-downs. Each individual project will be handled by independent design and construction teams to guarantee competitive pricing and to engage specialized consultant teams for each component. These projects lie throughout the forty-seven acres of the property, and each will require a current survey and geotechnical analysis for permitting and for ensuring that the right solutions are put in place by providing all known conditions to the various design teams. Therefore, developing one comprehensive survey and geotechnical report of the entire site for distribution to all design and construction teams will provide consistency and efficiency as the City moves forward to building a chapter of the Airpark's history. The project cost is estimated at \$100,000 with FDOT contributing \$80,000 and FlyUSA reimbursing the City for the cash match portion estimated at \$20,000.

**APPROPRIATION CODE AND AMOUNT:**

A first quarter budget amendment will establish capital improvement project G2409, Airpark Property Survey, recognizing a budget increase of \$80,000 in FDOT grant revenue and \$20,000 in reimbursement revenues to create the project budget and fund this agreement.

**STRATEGIC PRIORITY:**

High Performing Government: 1.2 Maintain public infrastructure, mobility systems, natural lands, environmental resources, and historic features through systematic management efforts.

Economic and Housing Opportunity: 2.2 Cultivate a business climate that welcomes entrepreneurship, inspires local investment, supports Eco-friendly enterprises, and encourages high-quality job growth.

**Resolution 24-02 was presented and read by title only,**

**Councilmember Beckman moved to reapprove the Joint Participation Agreement (JPA) G2086 between the City of Clearwater and the State of Florida Department of Transportation (FDOT), Geo**

**Technical and Survey of Airpark Property at the Clearwater Airpark, authorize the appropriate officials to execute same, and adopt Resolution 24-02 as amended. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 7.6** Reapprove the Joint Participation Agreement (JPA) G2O80 between the City of Clearwater and the State of Florida Department of Transportation (FDOT), Design of Corporate Hangars at the Clearwater Airpark, authorize the appropriate officials to execute same, and adopt Resolution 24-03 as amended.

FDOT JPA Agreement G2O80 provides for an 80% grant for the Design of new Corporate Hangars, with 20% cash match. The design will provide the building plans and permitting for the new building. The project cost is estimated at \$679,308 with FDOT contributing \$543,447 and FlyUSA reimbursing the City for the cash match portion estimated at \$135,861.

**APPROPRIATION CODE AND AMOUNT:**

Funds are available in capital improvement project G2401, Airpark Hangars, to fund this agreement.

**STRATEGIC PRIORITY:**

High Performing Government: 1.2 Maintain public infrastructure, mobility systems, natural lands, environmental resources, and historic features through systematic management efforts.

Economic & Housing Opportunity: 2.2 Cultivate a business climate that welcomes entrepreneurship, inspires local investment, supports Eco-friendly enterprises, and encourages high-quality job growth.

**Resolution 24-03 was presented and read by title only.**

**Vice Mayor Bunker moved to reapprove the Joint Participation Agreement (JPA) G2O80 between the City of Clearwater and the State of Florida Department of Transportation (FDOT), Design of Corporate Hangars at the Clearwater Airpark, authorize the appropriate officials to execute same, and adopt Resolution 24-03 as amended. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

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

### **8.1 Adopt Ordinance 9744-24 on second reading, revising the structure of the Downtown Development Board,.**

During the Council meeting taking place on Dec. 19, 2023, the City Council directed the City Attorney to revise the governance structure of Clearwater's Downtown Development Board (DDB).

**Ordinance 9744-24 was presented and read by title only.**

**Councilmember Teixeira moved to adopt Ordinance 9744-24 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

**9. Citizens to be heard re items not on the agenda - For purposes of this role, "items pertaining to city business" includes any matter within the Council's or the City Manager's power to act, any matter that the Council previously voted on or discussed at the dais, or any matter discussed by or scheduled to be considered by another governmental entity that affects the operation of the City. Each person who wishes to address the Council shall complete a comment card and submit the card to the City Clerk (right-hand side of dais) before the speaker will be permitted to speak. However, if the speaker has just arrived or decided to speak, the Chair may allow the card to be filled out after speaking. Individuals will limit their comments to a maximum of three minutes. The Mayor shall advise the speaker that their time has expired. If the person remains at the podium, thereby interfering with other persons who may wish to be heard, the speaker's microphone may be turned off, or the Mayor may rule the person out of order in accordance with Rule 15.**

*Eleanore Lyda expressed concerns with Council's behavior at a recent work session. She said the East Gateway community and merchants support the Mercado and thanked Council for their efforts to redevelop that area of the community.*

*Maryce Garber expressed concerns with comments made by a female under a pseudonym on social media accusing her and others of the East Gateway Business and Neighbors Association of being a front for the Downtown Development Board, theft, racism, and diverting funds away from the Mercado project, which are not true.*

*Kathy Flaherty said the Mercado's name was changed because these women did not want the Hispanic reference. She said the only thing Ms. Lyda and Ms. Garber have done for the community was paint a dumpster. She opposed repurposing the Main Library.*

*Mr. Holuba said citizens have the right to assemble peacefully and voice their concerns and expressed concerns with Council Rule 15.*

*Mike Taylor submitted a Letter of Intent to Sue for being removed and trespassed from a council meeting for wearing a shirt.*

*The Council recessed from 6:59 p.m. to 7:04 p.m.*

*Bill Jonson said several neighborhoods have residents who park in their front yard; as Council considers allowing accessory dwelling units, he expressed concerns how parking may negatively impact the character of a neighborhood. He expressed concern with the unintended provision included in the referendum question that would allow an unelected councilmember to serve as long as two years.*

*The City Attorney said the language is drafted to prevent vacancies in office, which is the point of a temporary appointment.*

*Kelly Myer expressed concerns with moving Neighborhoods Day to March 30, which is Easter weekend. She requested Council consider moving the event to March 23 or some time in April.*

*The City Manager said Neighborhoods Day is Council's opportunity to interact with the neighborhoods and residents. She said Council provided direction to move the event to another day. She said moving the event later would be negatively impacted by Spring Break and seasonal beach traffic.*

*Gerry submitted an email regarding the DeNunzio agreement (see page 18).*

*Blaine Enderle submitted emails regarding vehicular traffic on Drew Street, the seat arrangement in council chambers, and Clearwater Crossing Guards (see pages 20-47).*

## **10. City Manager Reports**

*The City Manager said Council has discussed moving the March 21 council meeting to March 18 at 1:30 p.m., due to the election. She said council rules require public hearing items to be heard after 6:00 p.m. If the council rule is not suspended, the meeting will need to occur at another location as Council Chambers will be used as a polling location for the March 19 election and the Supervisor of Elections will need access to the room by 5:30 p.m. She requested consideration to suspend the council rule on March 18 to allow public hearing items to be heard at 1:30 p.m.*

*The City Clerk said the council meeting will be noticed to begin at 1:30 p.m., with the CRA meeting to begin at 1:00 p.m.*

*There was council consensus to suspend the council rule on March 18, allowing public hearing items to be heard at 1:30 p.m.*

#### **11. City Attorney Reports – None.**

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

*Councilmembers thanked the first responders and area agencies who provided assistance after the plane crash at Bayside Estates Mobile Home Park on February 1, 2024.*

*Councilmember Beckman reviewed upcoming events.*

*Vice Mayor Bunker reviewed recent Scientology court cases; Judge Randolph Hammock ruled on Leah Remini's behalf in her harassment suit against the Church of Scientology.*

*Councilmember Teixeira highlighted grant funds that the Tampa Bay Regional Planning Council is seeking, which will benefit the area and region. The Council is seeking funds for the Tampa Bay Coastal Master Plan, which will identify floods in vulnerable communities and restoration/risk reduction efforts and a regional climate pollution reduction project.*

*Councilmember Allbritton said he requested staff updates on the north beach flooding be provided at every council meeting.*

#### **13. Closing Comments by Mayor**

*Mayor Aungst reviewed recent and upcoming events.*



**14. Adjourn**

*The meeting adjourned at 7:22 p.m.*

Attest

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

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

## Call, Rosemarie

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**From:** Gerry Lee <gerrylee316@gmail.com>  
**Sent:** Saturday, February 10, 2024 4:23 PM  
**To:** Aungst Sr, Brian; Bunker, Mark; Beckman, Kathleen; Allbritton, David; Teixeira, Lina; Margolis, David; Rector4Fl@gmail.com; Lisa Lanza; Ryancotton4clearwater@gmail.com; mikeforclearwater2@gmail.com; jaredforclearwater@gmail.com; ElectMannino@gmail.com; jmscott@preparedfornext.org; Call, Rosemarie; tmcmanus@tampabay.com  
**Subject:** "City accepts scaled-down apartment proposal" - Tampa Bay Times

**CAUTION:** This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Good Afternoon To All

In November of 2022 the voters of Clearwater approved a very specific change to the Charter of Clearwater regarding 2 properties owned by the city.

On Feb 1, 2024, the Council, UNANIMOUSLY, made very significant changes to that agreement, the City Charter.

How can the Council make significant changes to the City Charter? Please explain.

Is this setting a precedent, that at any Council Meeting, the Council can make any Changes to the City Charter anytime they want. Are they not bound by the City Charter? If not, what is the need for a Referendum? What is the need for the voters? This is wrong.

I think the original Change needs to be followed or a new referendum submitted to the voters.

These changes are costing the Residents Millions of \$\$.

This is just not right!

Doesn't anyone care?

Gerry Lee - [gerrylee316@gmail.com](mailto:gerrylee316@gmail.com)

Gerry Lee Consultant @ HarborStone Tax and Financial

Drue Lee CPA - Principal @ HarborStone Tax & Financial - [drue@htfcpa.com](mailto:drue@htfcpa.com)



## Call, Rosemarie

---

**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Monday, February 12, 2024 8:07 AM  
**To:** ClearwaterCouncil  
**Subject:** Re: Watch "Clearwater, do you really want to slow down traffic on Drew Street? Public can read." on YouTube

**CAUTION:** This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Just so you have Knowledge. Traffic Engineering put up 11 signs for me.  
Sent from my iPhone

On Feb 10, 2024, at 10:20 AM, Blain Enderle <benderle1234@gmail.com> wrote:

Took 48 Semi trucks a day down to 1. ❤️  
Sent from my iPhone

On Feb 10, 2024, at 8:24 AM, Blain Enderle <benderle1234@gmail.com> wrote:

[https://youtube.com/shorts/3F4eOX2jLqk?si=Xyr4qp-KIM\\_ebFMP](https://youtube.com/shorts/3F4eOX2jLqk?si=Xyr4qp-KIM_ebFMP)

Council,  
I personally slowed down Hercules Avenue from an average of 67 tickets a month to (0) zero just by changing and adding the signage that is required. 15 years ago. By myself and Traffic Engineering. Me and Paul would fight like hell. But I always won. Bill was always on my side.

I personally had (4) four helicopters lift people to the hospital in front of my house. Power lines on both sides of Hercules Avenue.

Doing nothing you fill in the word \_\_\_\_\_.

I'm retired and don't live in Clearwater anymore. YOU PRICED ME OUT if I can and all of council can't slow down traffic on any street is in my opinion "wrong" Clearwater traffic engineering can do anything on their property.

I explained to Chief Slaughter I don't believe the police wrote one ticket in 2 years on that section. Clearwater, Police writing a ticket on County roads the money doesn't go to the same place if they write a ticket on city streets. LOOK IT UP.

Proving Chief Slaughter and Chief Gandy didn't write 1 ticket in that area would just show you what? THE DONT CARE ABOUT IT. I know they don't. Talked to Chief Slaughter many times about it.

Sigma

Blain

## Call, Rosemarie

---

**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Monday, February 12, 2024 8:55 AM  
**To:** ClearwaterCouncil  
**Subject:** Re: Watch "Clearwater, do you really want to slow down traffic on Drew Street? Public can read." on YouTube

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---

I asked and got the safety change on Clearwater beach round a bout by myself too

Chief Slaughter didn't

Sigma.

Sent from my iPhone

On Feb 10, 2024, at 10:28 AM, Blain Enderle <benderle1234@gmail.com> wrote:

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Sigma

Blain

## Call, Rosemarie

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**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Monday, February 12, 2024 9:08 AM  
**To:** ClearwaterCouncil  
**Subject:** Re: Watch "Clearwater, do you really want to slow down traffic on Drew Street? Public can read." on YouTube

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---

Now that I and Traffic Engineering's have the Clearwater Roundabout safe.

The roundabout design made it unsafe NOT THE 2 million dollar fountain. 5 million now

Give me back my 2 million dollar fountain. That really pissed me off. Don't know if it had wind gauges to adjust for just thick water in over 4 mph wind?

Sigma

Sent from my iPhone

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**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Saturday, February 10, 2024 8:24 AM  
**To:** ClearwaterCouncil  
**Subject:** Watch "Clearwater, do you really want to slow down traffic on Drew Street? Public can read." on YouTube

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**Sent:** Saturday, February 10, 2024 10:20 AM  
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**Subject:** Re: Watch "Clearwater, do you really want to slow down traffic on Drew Street? Public can read." on YouTube

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## Call, Rosemarie

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**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Saturday, February 10, 2024 10:28 AM  
**To:** ClearwaterCouncil  
**Subject:** Re: Watch "Clearwater, do you really want to slow down traffic on Drew Street? Public can read." on YouTube

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Sigma

Blain

## Call, Rosemarie

---

**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Sunday, February 11, 2024 11:56 AM  
**To:** ClearwaterCouncil  
**Subject:** Watch "Built On Lies And Deception Clearwater Ethics On Recycled Water In POOR Neighborhoods" on YouTube

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---

<https://youtube.com/shorts/Jz6GSL6QG7Y?si=KwRipc4fFehEYy4F>



## Call, Rosemarie

---

**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Thursday, February 8, 2024 6:52 AM  
**To:** ClearwaterCouncil  
**Subject:** Fwd: Seating at Council

**CAUTION:** This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Racist to me.

----- Forwarded message -----

**From:** Blain Enderle <[benderle1234@gmail.com](mailto:benderle1234@gmail.com)>  
**Date:** Thu, Feb 8, 2024, 6:48 AM  
**Subject:** Seating at Council  
**To:** Margolis, David <[David.Margolis@myclearwater.com](mailto:David.Margolis@myclearwater.com)>

Mr. Margolis,  
I saw the tables at Council have been removed.

If the go back up and the City thinks dividing the room into us versus them mentally I will do videos on Clearwater is RACIST.

Sigma males don't mix words. We say what we mean. It's absolutely no different than the black lady setting on the bus to me.

Blain



## Call, Rosemarie

---

**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Saturday, February 10, 2024 8:24 AM  
**To:** ClearwaterCouncil  
**Subject:** Watch "Clearwater, do you really want to slow down traffic on Drew Street? Public can read." on YouTube

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Sigma

Blain

## Call, Rosemarie

---

**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Saturday, February 10, 2024 10:20 AM  
**To:** ClearwaterCouncil  
**Subject:** Re: Watch "Clearwater, do you really want to slow down traffic on Drew Street? Public can read." on YouTube

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Sigma

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**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Saturday, February 10, 2024 10:28 AM  
**To:** ClearwaterCouncil  
**Subject:** Re: Watch "Clearwater, do you really want to slow down traffic on Drew Street? Public can read." on YouTube

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Sigma

Blain



## Call, Rosemarie

---

**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Tuesday, February 6, 2024 8:49 AM  
**To:** ClearwaterCouncil  
**Subject:** Watch "I TRUST EVERYONE Changed The Building AND Did Not Want the Public To See ThatsTRANSPARENCY Sure" on YouTube

**CAUTION:** This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

<https://youtube.com/shorts/yXzfv9Rjxu8?si=YRwR5ltnX7DLKeH9>



## Call, Rosemarie

---

**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Saturday, February 3, 2024 10:01 AM  
**To:** ClearwaterCouncil  
**Subject:** Re: Watch "Clearwater Police Detectives All Have EXTENSIVE training" on YouTube

**CAUTION:** This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

As Clearwater Crossing Guard the moment the government lifted the ban on face masks I contacted Bill Horne and asked for it to be lifted on all his employees.

NEXT day at 8:00 his memo came out.

Blain

On Sat, Feb 3, 2024, 9:44 AM Blain Enderle <[benderle1234@gmail.com](mailto:benderle1234@gmail.com)> wrote:  
FYI

----- Forwarded message -----

**From:** Blain Enderle <[benderle1234@gmail.com](mailto:benderle1234@gmail.com)>  
**Date:** Sat, Feb 3, 2024, 9:40 AM  
**Subject:** Watch "Clearwater Police Detectives All Have EXTENSIVE training" on YouTube  
**To:** Poirrier, Jennifer <[Jennifer.Poirrier@myclearwater.com](mailto:Jennifer.Poirrier@myclearwater.com)>

<https://youtube.com/shorts/dHkRMEyPvt4?si=3Ag8d14oDkHNspiN>

Only you can make this right. But coverup is what you want exposing coverup is really EASY for me.

ME and Bill Horne got into it REALLY bad.

He said if I had and problems go directly to him AND leave his employees alone.

I did until he died. Bill gave me EVERYTHING I asked for for 2 decades.

Never cross a Sigma male.

Blain



## Call, Rosemarie

---

**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Saturday, February 3, 2024 9:44 AM  
**To:** ClearwaterCouncil  
**Subject:** Fwd: Watch "Clearwater Police Detectives All Have EXTENSIVE training" on YouTube

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---

FYI

----- Forwarded message -----

**From:** Blain Enderle <benderle1234@gmail.com>  
**Date:** Sat, Feb 3, 2024, 9:40 AM  
**Subject:** Watch "Clearwater Police Detectives All Have EXTENSIVE training" on YouTube  
**To:** Poirrier, Jennifer <Jennifer.Poirrier@myclearwater.com>

<https://youtube.com/shorts/dHkRMEyPvt4?si=3Ag8d14oDkHNspiN>

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## Call, Rosemarie

---

**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Thursday, February 15, 2024 3:13 PM  
**To:** ClearwaterCouncil  
**Subject:** Fwd: View recent photos

**CAUTION:** This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

---

Sent from my iPhone

Begin forwarded message:

**From:** Blain Enderle <benderle1234@gmail.com>  
**Date:** February 15, 2024 at 3:11:44 PM EST  
**To:** david.lutz@myclearwater.com  
**Subject:** View recent photos

Common sense sir.



Sent from my iPhone



## Call, Rosemarie

---

**From:** Blain Enderle <benderle1234@gmail.com>  
**Sent:** Tuesday, February 13, 2024 4:54 PM  
**To:** ClearwaterCouncil  
**Subject:** Watch "Clearwater Dream Hispanic Park just got started. Trees, please. Water fountain, limit the concrete" on YouTube

**CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

---

<https://youtube.com/shorts/MRGn77kIXI8?si=9Ovu98xtFVLV78mj>

The trees they put in are ONLY 10 feet tall and 3 inch diameter. WOW

You had wonderful trees at the old city hall and move them is out of the question.

You definitely don't think like a Sigma male.

Blain

