

# City of Clearwater

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



## Meeting Minutes

Thursday, October 2, 2014

6:00 PM

Council Chambers

**City Council**

**Roll Call**

**Present:** 5 - Mayor George N. Cretekos, Vice Mayor Doreen Hock-DiPolito, Councilmember Bill Jonson, Councilmember Hoyt Hamilton and Councilmember Jay E. Polglaze

**Also Present:** William B. Horne II - City Manager, Jill S. Silverboard - Assistant City Manager, Rod Irwin – Assistant City Manager, Pamela K. Akin - City Attorney, Rosemarie Call - City Clerk, 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 City Hall.*

**2. Invocation – Pastor Akil Thompson from New Destiny Worship Center****3. Pledge of Allegiance - Councilmember Jonson****4. Special recognitions and awards (Proclamations, service awards, or other special recognitions) – Given.**

4.1 Domestic Violence Awareness Month Proclamation, October 2014 - Caitlin Higgins-Joy from RCS; Meaghan Harris, CASA Peacemaker

4.2 Pinellas County Schools Mentoring Program - Demorris Lee, Communications Coordinator

*Mr. Lee provided video presentation on the mentoring program and encouraged interested individuals to attend the Pinellas County Schools Mentor Recruitment Fair on October 13 at Feather Sound Country Club.*

4.3 Fire Prevention Week Proclamation, October 5-11, 2014 - Fire Marshal Steve Strong

4.4 Florida Manufacturing Day Proclamation, October 3, 2014 - Becky Burton, May Area Manufacturing Association (BAMA)

- 4.5 Public Natural Gas Week Proclamation, October 5-12, 2014 - Chuck Warrington, Clearwater Gas System Managing Director
- 4.6 World Homeless Day Proclamation, October 10, 2014 - Ekaterini Gerakios-Siren, Economic Development

*Councilmember Hamilton departed Chambers at 6:24 p.m.*

## **5. Approval of Minutes**

- 5.1 Approve the minutes of the September 18, 2014 City Council meeting as submitted in written summation by the City Clerk.

**Councilmember Jonson moved to approve the minutes of the September 18, 2014 City Council meeting 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 - None.**

*Councilmember Hamilton returned to Chambers at 6:25 p.m.*

## **7. Consent Agenda – Approved as submitted.**

- 7.1 Authorize the funding of city medical insurance and a contract between the City and Cigna Healthcare for administrative services under a partial self-insured funding arrangement for the period of January 1, 2015 to December 31, 2015 at a total cost not-to-exceed \$16.8 million, to be funded through city budgeted funds, payroll deduction of employee premiums, and reserves from the City's Central Insurance Fund. (consent)
- 7.2 Approve the Fire Protection Services Agreement between Pinellas County Fire Protection Authority and City of Clearwater for a three-year term beginning October 1, 2014 through September 30, 2017 and authorize the appropriate officials to execute same. (consent)
- 7.3 Approve a Maintenance Memorandum of Agreement (MOA) with the State of Florida Department of Transportation for the maintenance of the non-standard 10' wide concrete sidewalk on the north side of SR 590, NE Coachman Road and authorize the appropriate officials to execute same. (consent)
- 7.4 Award a contract (purchase order) to Complete Property Services Inc. (CPS), of Oldsmar Florida Bid 25-13, for \$243,099 to perform Phase II of structural caulking and

concrete repairs needed throughout Bright House Field stadium. (consent)

- 7.5** Approve a one-year Agreement with Juvenile Welfare Board (JWB) and the City of Clearwater for funding of youth programs, at a rate of \$22.56 per child, per day; approve a first quarter budget amendment of \$402,442 into 181-99872, and authorize the appropriate officials to execute same. (consent)
- 7.6** Approve increased funding for Special Program Fund Special Events (181-99865) by \$275,000 from unappropriated retained earnings to assist in funding City Centennial Celebration Events including a major concert at Coachman Park (\$200,000), and a downtown parade with fireworks (\$75,000). (consent)
- 7.7** Approve Sponsorship Agreement (Agreement) between the City and CBS Radio Stations, Inc. (CBS Radio) for MAXIMA'S Hispanic Heritage Concert (Event) to be held at Coachman Park on October 12, 2014 and authorize the appropriate officials to execute same. (consent)
- 7.8** Award a contract (purchase order) to TS Sports of Dallas, TX, Bid 14-0030-PR for the construction and installation of a new video and scoreboard for Bright House Field which includes a 10% contingency, for \$680,484; and transfer \$776,214 to Bright House Field Repairs (CIP315-93640) from unappropriated retained earnings to complete the funding for this project and authorize the appropriate officials to execute same. (consent)
- 7.9** Approve a Prisoner Transport Interlocal Agreement between the City of Clearwater and the Pinellas County Sheriff's Office to commence October 1, 2014 and remain in full force and effect unless terminated in writing by either party and authorize the appropriate officials to execute same. (consent)
- 7.10** Approve a lease agreement between the InterCultural Advocacy Institute, Inc. and the City of Clearwater for the premises located at 612 Franklin Street, Clearwater, Florida, for a period November 1, 2014 through October 31, 2017, and authorize the appropriate officials to execute same. (consent)
- 7.11** Award a construction contract to B.L. Smith Electric, Inc. of Dundee, Florida, for the East Water Reclamation Facility Generator and Marshall Street Water Reclamation Facility Lab Electrical Improvements Project (11-0025-UT) in the amount of \$1,527,457.00, which is the lowest responsible bid received in accordance with the plans and specifications, and authorize the appropriate officials to execute same. (consent)
- 7.12** Approve an Engineer of Record (EOR) work order to Leggette, Brashears and Graham (LBG) of Tampa, Florida, in the amount of \$155,736 for project related

services permitting a Class I deep injection well for disposal of Reverse Osmosis Plant by-product and authorize the appropriate officials to execute same. (consent)

**7.13** Approve Blanket Purchase Orders for Baker and Taylor, Ingram Library Services and Midwest Tape for the acquisition of library books and audiovisual materials for the contract period of October 1, 2014 through September 30, 2015, and authorize the appropriate officials to execute same. (consent)

**7.14** Award a contract (purchase order) to lease desktop and laptop computers for three years from Hewlett-Packard Financial Services Company, Murray Hill, NJ for an amount not to exceed \$1,125,000 in accordance with Sec. 2.564(1)(d) Code of Ordinances, under State Contract 250-WSCA-10-ACS; and authorize the appropriate officials to execute same. (consent)

**Vice Mayor Hock-DiPolito moved to approve the Consent Agenda as submitted 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** Provide direction on the proposed Development Agreement between Decade Sea Captain LLC. (the property owner) and the City of Clearwater, providing for the allocation of 66 units from the Hotel Density Reserve established in Beach by Design and confirm a second public hearing in City Council Chambers before City Council on October 15, 2014 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2014-07004 - 40 Devon Drive)

### **Site Location and Existing Conditions:**

The 0.831-acre subject property is located on the north side of Devon Drive approximately 150 feet east of Coronado Drive with 278.68 feet of frontage along Devon Drive. The property spans two zoning districts including Tourist (T) and Low Medium Density Residential (LMDR) and two Future Land Use Plan (FLUP) classifications, Resort Facilities High (RFH) and Residential Urban (RU). The subject property is also located within the Small Motel District of *Beach by Design*. The portion of the site within the T District is 0.659 acres and remainder of the site within the LMDR District constitutes 0.172 acres. Only the portion of the site within the T District is considered with regard to development potential such as Impervious Surface ratio (ISR), Gross Floor Area (GFA) and density.

The immediate area is characterized by a variety of uses including overnight accommodations, a surface parking lot, and detached dwellings. The property to the west is currently developed with a 108-room 89-foot hotel (Pier House

60), the property on the west side of Coronado Drive has been approved for a 450-room hotel (Wyndham Grand) for which a foundation permit has been approved, the property to the south is developed with a surface parking lot and the properties to the southeast are developed with detached dwellings. The property is used as a 27-unit overnight accommodation use and has a valid Business Tax Receipt (BTR-9029071). The hotel units are located within four two-story buildings. The buildings are located on the western half of the site. The majority of the surface parking is provided on the portion of property zoned LMDR with the remainder on the portion of property zoned T. A landscape buffer approximately 20 feet in width is provided along the south property line adjacent to Devon Drive. Access to the site is provided from Devon Drive via one two-way driveway generally centered along the south property line.

**Site History:**

- On December 21, 2010, the Community Development Board (CDB) approved Case FLD2010-08001 which permitted an 85-unit overnight accommodation use using 53 units from the Hotel Density Reserve created pursuant to *Beach by Design*.
- On January 13, 2011 the City Council approved Case DVA2010-08001 allocating 53 units from the Hotel Density Reserve pursuant to *Beach by Design*.
- The associated development order for FLD2010-08001 expired on December 12, 2012.
- On May 21, 2013 the CDB approved Case FLD2013-02007 which authorized an 85-unit overnight accommodation use (hotel) including 53 units from the Hotel Density Reserve created pursuant to *Beach by Design*.
- On June 19, 2013 the City Council approved Case DVA2010-08001A amending the previously approved Case DVA2010-08001 allocating 53 units from the Hotel Density Reserve pursuant to *Beach by Design*. This was required as the site plan exhibit associated with the aforementioned FLD2010-08001 expired. DVA2010-08001A also allocated 53 overnight accommodation units from the Hotel Density Reserve.
- On March 31, 2013 a one-year development order extension for the FLD2013-02007 was granted by the Community Development Coordinator until May 21, 2015.
- On August 05, 2014 a two-year development order extension for the FLD2013-02007 was granted until May 21, 2017 pursuant to House Bill 7023.

In summary, there exists an approved site plan valid until May 21, 2017 for the construction of an 85-unit overnight accommodation use at a density of 128.98

rooms per acre based only on the lot acreage zoned T District.

**Development Proposal:**

This proposal terminates DVA2010-08001A which previously allocated 53 hotel units from the Reserve. The owners now propose to utilize the otherwise permitted density of 32 units and incorporate 66 units from the Hotel Density Reserve through Beach by Design resulting in a total of 98 units (149 units per acre). It should be reiterated that the only portion of the site which provides intensity of use is the 0.659 acre portion within the T District.

The building will be 100 feet (from Base Flood Elevation) to flat roof with the parking on the first four levels. The proposed building design is described as Contemporary Tropical, which is consistent with and complements the tropical vernacular envisioned in *Beach by Design*.

The site will be accessed via a single two-way driveway located at the southeast corner of the building along Devon Drive. There is also access to the trash staging area at the southwest corner of the building.

The first four floors of the building will contain a parking garage as well as miscellaneous back-of-house components such as elevator lobby and trash holding area. In addition to parking, floors two through four also include hotel rooms (nine per floor). The fifth floor will include a pool and pool deck (over parking at the southeast quadrant of the building). Various other outdoor patios are located on the east and west sides of the building at the 5th floor. Amenities such as dining area, lounge and exercise room totaling 6,915 square feet (12.5 percent of the total floor area of the building) are also located on the fifth floor. The remainder of the floor will be dedicated to an upper lobby, three hotel rooms and miscellaneous back-of-house components. Floors six through nine will be dedicated almost entirely to hotel rooms (17 per floor).

On the portion of property zoned LMDR District, one detached dwelling is shown on the floor plans and building elevations. The 0.172 acre property supports one dwelling unit. The dwelling unit is proposed to have a common wall with the east façade of the hotel.

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

Minimum Lot Area and Width:

Pursuant to Table 2-803, CDC, the minimum required lot area for overnight accommodations is between 10,000 and 20,000 square feet. The portion of the subject property in the Tourist District is 28,688 square feet in area.

Pursuant to the same Table, the minimum lot width for overnight accommodations can range between 100 and 150 feet. The lot width of this site for the portion of the property zoned T District along Devon Drive is 4175 feet. The proposal is consistent with these Code provisions.

Minimum Setbacks:

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

Maximum Height:

Section B of the Design Guidelines within *Beach by Design* specifically addresses height. This section requires specific requirements for buildings which exceed 100 feet in height.

Pursuant to Table 2-803, CDC, the maximum height for overnight accommodations is between 35 and 100 feet. Pursuant to the Code definition of building height, elevator equipment rooms and like mechanical equipment enclosures are permitted to project up to 16 feet higher than the maximum building height. The proposed building height of 100 feet to the top of the roof deck (112 feet to top of flat roof for elevator and other mechanical equipment) is consistent with this CDC section, definition of building height and with the guidelines of *Beach by Design*.

Minimum Off-street Parking:

The 98-room overnight accommodation use requires a minimum of 118 off-street parking spaces. A parking garage located on the first four levels of the building will provide 118 spaces. 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 all sides of the building. Since no perimeter landscape buffers are 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:**

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 to operate 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 66 units from the Hotel Density Reserve or a maximum density of 148.7 units per acre;
- Requires the developer to obtain building permits and certificates of occupancy in accordance with Section 4-407, CDC;
- 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 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.

*Planner Matt Jackson said since the work session, the Applicant has amended the Narrative to include that the sidewalks would match the existing sidewalks and that there would be a bicycle rack on the first floor of the hotel.*

*Applicant representative Brian Aungst reviewed the request and said the item before Council is an improvement over the currently approved design and consistent with Beach by Design.*

**Councilmember Polglaze moved to confirm a second public hearing in City Council Chambers before City Council on October 15, 2014 at 6:00 p.m., or as soon thereafter as may be heard. The motion was duly seconded and carried unanimously.**

**Ayes:** 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

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

- 9.1** Adopt Ordinance 8581-14 on second reading, annexing certain real property whose post office addresses are 1260 Palm Street and 1283 Palm Street, together with all abutting right-of-way of Palm Street and Betty Lane, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

**Ordinance 8581-14 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 8581-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 9.2** Adopt Ordinance 8582-14 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office addresses are 1260 Palm Street and 1283 Palm Street, together with all abutting right-of-way of Palm Street and Betty Lane, upon annexation into the City of Clearwater, as Residential Urban (RU).

**Ordinance 8582-14 was presented and read by title only. Councilmember Jonson moved to adopt Ordinance 8582-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 9.3** Adopt Ordinance 8583-14 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office addresses are 1260 Palm Street and 1283 Palm Street, together with all abutting right-of-way of Palm Street and Betty Lane, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

**Ordinance 8583-14 was presented and read by title only. Vice Mayor Hock-DiPolito moved to adopt Ordinance 8583-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 9.4** Adopt Ordinance 8588-14 on second reading, annexing certain real property whose post office address is 1710 Calumet Street, Clearwater, Florida 33765, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

**Ordinance 8588-14 was presented and read by title only. Councilmember Polglaze moved to adopt Ordinance 8588-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 9.5** Adopt Ordinance 8589-14 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1710 Calumet Street, Clearwater, Florida 33765, upon annexation into the City of Clearwater, as Industrial General (IG).

**Ordinance 8589-14 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 8589-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 9.6 Adopt Ordinance 8590-14 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 1710 Calumet Street, Clearwater, Florida 33765, upon annexation into the City of Clearwater, as Industrial Research and Technology (IRT).

**Ordinance 8590-14 was presented and read by title only. Councilmember Jonson moved to adopt Ordinance 8590-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 9.7 Adopt Ordinance 8592-14 on second reading, approving the vacation of a portion of Brownell Street, a city right-of-way. (VAC2014-01 Fire Station 45)

**Ordinance 8592-14 was presented and read by title only. Vice Mayor Hock-DiPolito moved to adopt Ordinance 8592-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 9.8 Adopt Ordinance 8599-14 on second reading, amending Section 30.060(4) of the Clearwater Code of Ordinances to provide for the ability to electronically send the Florida Dept. of Highway Safety and Motor Vehicles (DMV) data listing persons or entities with three or more outstanding parking violations.

**Ordinance 8599-14 was presented and read by title only. Councilmember Polglaze moved to adopt Ordinance 8599-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 9.9 Adopt Ordinance 8600-14 on second reading, amending Section 22.90 of the City of Clearwater Code of Ordinances, to allow for additional special events alcohol permits in the downtown area of Clearwater between Drew Street and Pierce Street, North and South and between Myrtle Street and the waterfront and allow for metal containers at special events.

**Ordinance 8600-14 was presented and read by title only.**

**Councilmember Hamilton moved to adopt Ordinance 8600-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**9.10** Adopt Ordinance 8601-14 on second reading, amending the Operating Budget for the Fiscal Year ending September 30, 2014 to reflect increases and decreases in revenue and expenditures for the General Fund, Special Development Fund, Special Program Fund, Water and Sewer Fund, Stormwater Fund, Solid Waste Fund, Recycling Fund, Gas Fund, Airpark Fund, Parking Fund, General Services Fund, and Garage Fund.

**Ordinance 8601-14 was presented and read by title only. Councilmember Jonson moved to adopt Ordinance 8601-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**9.11** Adopt Ordinance 8602-14 on second reading, amending the Capital Improvement Budget for the Fiscal Year ending September 30, 2014, to reflect a net increase of \$2,095,802.

**Ordinance 8602-14 was presented and read by title only. Vice Mayor Hock-DiPolito moved to adopt Ordinance 8602-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

## **10. City Manager Reports**

**10.1** Approve the Utility Work by Highway Contractor Agreement with the State of Florida Department of Transportation (FDOT) for the relocation and modification of several city facilities in the amount of \$294,705 under S.R. 590 From West of Marilyn Street to East of Audrey Drive; adopt Resolution 14-31, and authorize the appropriate officials to execute same.

The Florida Department of Transportation (FDOT) has designed the improvements of S.R. 590 from West of Marilyn Street to East of Audrey Drive. The proposed improvements will include resurfacing the existing roadway, replacing the existing signal by mast arm, upgrading the drainage system, and

construction of a new pedestrian bridge. Construction is currently anticipated to begin in Summer of 2015. This roadway improvement project will necessitate the relocation or adjustment of the City's water mains and sewer work within the project limits. The City of Clearwater's Engineering Department has coordinated the design for these utility accommodations with FDOT representatives. FDOT will receive bids for the combined roadway improvement and utility relocation work and make award of bid to the low bidder.

The Resolution authorizes the City to enter into a Utility Work by Highway Contractor Agreement (UWHCA) to have the work bid and constructed with the FDOT contract.

The amounts included on this agenda item are the engineer's preliminary estimate, and are subject to change as the design progresses. The exact costs will be determined by the contractor's bid and may vary from this amount. Project will be competitively bid by FDOT. The engineer's estimate is \$294,705.00

**APPROPRIATION CODE AND AMOUNT:**

0327-96742-563800-533-000-0000 \$242,030

0327-96634-563800-535-000-0000 \$ 52,675

Funds are available in Utility Renewal and Replacement projects in amounts of \$242,030.00 in 0327-96742, Line Relocation - Capital and \$52,675 in 0327-96634, Sanitary Utility Relocation Accommodation, for total funding of \$294,705.00 to fund this contract.

**Councilmember Hamilton moved to approve the Utility Work by Highway Contractor Agreement with the State of Florida Department of Transportation (FDOT) for the relocation and modification of several city facilities in the amount of \$294,705 under S.R. 590 From West of Marilyn Street to East of Audrey Drive, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

**Resolution 14-31 was presented and read by title only.**

**Councilmember Jonson moved to adopt Resolution 14-31. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**10.2** Approve the Interlocal Service Boundary Agreement between the City of Clearwater, Florida and Pinellas County which would allow voluntary annexations of

non-contiguous properties within Type A enclaves and pass Ordinance 8587-14 on first reading.

On December 6, 2011, the Pinellas County Board of County Commissioners initiated the negotiation process pursuant to Florida Statutes Chapter 171 to establish an Interlocal Service Boundary Agreement (ISBA) which would allow for the voluntary annexation of non-contiguous properties in Type A enclaves in Pinellas County (those surrounded by a City on all sides). On February 2, 2012, the Clearwater City Council adopted Resolution 12-03 agreeing to participate in the negotiation process with the County and responding municipalities and special districts. On December 10, 2013 the Board of County Commissioners approved the final draft of the ISBA. A total of nine municipalities are participating in the agreement including Clearwater, Dunedin, Kenneth City, Largo, Pinellas Park, Safety Harbor, St. Petersburg, Seminole, and Tarpon Springs.

While the agreement allows for the voluntary annexation of non-contiguous properties in Type A enclaves, it does not allow the City to invoke existing agreements to annex for non-contiguous properties unless the current owner consents nor does it provide the basis for annexing an adjacent property that is subject to an agreement to annex without the consent of the current owner of the property. This is consistent with the provisions of Pinellas County Ordinance 00-63 which governed annexation in Pinellas County from 2000 to 2007. The ISBA imposes a new public notice requirement that requires participating municipalities to provide notice to the property owner seeking voluntary annexation by certified mail prior to each reading of the ordinance.

The ISBA establishes an effective date of November 1, 2014 and would be in effect for 20 years. It requires the City to provide data related to each property annexed through this process every six years. Any renegotiation of the Agreement must begin at least 18 months prior to the termination date. Each of the participating local governments that are signatories to the ISBA must adopt the agreement by ordinance as required by Florida Statutes 171.203(14). The Planning and Development Department recommends approval of ISBA.

**Vice Mayor Hock-DiPolito moved to approve the Interlocal Service Boundary Agreement between the City of Clearwater, Florida and Pinellas County which would allow voluntary annexations of non-contiguous properties within Type A enclaves. The motion was duly seconded and carried unanimously.**

**Ordinance 8587-14 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 8587-14 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes: 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember**

Jonson, Councilmember Hamilton and Councilmember Polglaze

- 10.3** Approve the collective bargaining agreement as negotiated between the City of Clearwater and CWA Local 3179 for Fiscal Years 2014/15, 2015/16, and 2016/17 and authorize the appropriate officials to execute same.

The current collective bargaining agreement between the City of Clearwater and CWA Local 3179 expires on September 30, 2014. City management staff and representatives of CWA Local 3179 reached a tentative agreement for a new contract. The bargaining agreement was subsequently submitted by the Union to its bargaining unit which ratified the agreement by a vote of 395 to 33 on September 11, 2014.

The agreement is a three-year contract providing for a \$1500 base pay merit increase in the first year, a 3% base merit increase in the second year, and a 2.5% base merit increase in the third year for all bargaining unit personnel who attain a rating of Meets expectations or better on their annual performance evaluation, with any amount that exceeds the employees' respective pay range maximum being paid as a one-time lump sum.

The agreement also includes additional incentives for Building inspectors to obtain multiple licenses, an increase in the annual tuition reimbursement amount from \$650 to \$1200, pay for court time when subpoenaed outside of work hours, the inclusion of domestic partners as immediate family members for the use of sick leave and funeral leave, and administrative changes that will provide for greater consistency in the distribution of safety shoes as well as the assignment of meal times and overtime.

**APPROPRIATION CODE AND AMOUNT:**

The costs associated with the implementation of this agreement are anticipated to be approximately as follows:

FY 2014/2015:	\$1,532,000 All funds	\$619,000 General Fund
FY 2015/2016:	\$1,578,000 All funds	\$637,600 General Fund
FY 2016/2017:	\$1,617,000 All funds	\$653,500 General Fund
TOTAL:	\$4,727,000 All funds	\$1,910,100 General Fund

A first quarter budget amendment will allocate reserves from the operating funds to cover the cost of CWA pay increases for the current budget year. Future budgets will include the contract costs in the proposed budgets.

*Concerns were expressed that the proposed merit increase will require \$2.6 million of reserves over the next four years, the CWA increase for 2013 and 2014 were 1.8% higher than the Save Our Homes CPI increase, and that*

*Council did not meet previously in a labor strategy session prior to the first offer being made.*

**Councilmember Hamilton moved to approve the collective bargaining agreement as negotiated between the City of Clearwater and CWA Local 3179 for Fiscal Years 2014/15, 2015/16, and 2016/17 and authorize the appropriate officials to execute same. The motion was duly seconded and carried by the following vote:**

**Ayes:** 4 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Hamilton and Councilmember Polglaze

**Nays:** 1 - Councilmember Jonson  
**Motion carried.**

**10.4** Amend the City of Clearwater Money Purchase Pension Plan Second Restatement to comply with Section 7121 of the IRS Code, codify the amended Second Restatement as Division 6, Chapter 2, Clearwater Code of Ordinances, and pass Ordinance 8612-14 on first reading.

The City of Clearwater Money Purchase Plan was established effective August 28, 1997 and restated November 20, 2008. The plan must be amended to comply with the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 (EGTRRA). The amendment will amend Section 6.5. Limitations on Contributions of the Plan by amending Section 6.5(b) and deleting Section 6.5(c).

This amendment eliminates the requirement to dispose of excess annual additions to contributions.

The Money Purchase Pension Plan Second Restatement was approved by City Council on November 6, 2008, but was not codified. The current Ordinance instructs Municode Corporation to codify the amended Second Restatement.

**Councilmember Jonson moved to amend the City of Clearwater Money Purchase Pension Plan Second Restatement to comply with Section 7121 of the IRS Code, codify the amended Second Restatement as Division 6, Chapter 2, Clearwater Code of Ordinances. The motion was duly seconded and carried unanimously.**

**Ordinance 8612-14 was presented and read by title only. Vice Mayor Hock-DiPolito moved to pass Ordinance 8612-14 on first reading.**

**The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretokos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**10.5** Amend Chapter 2, Article V, Division 3 of the City of Clearwater Code of Ordinance amending the Employee Pension Plan to comply with Section 401(a)(31)B of the Internal Revenue Code, and pass Ordinance 8607-14 on first reading.

Internal Revenue Regulations require two amendments to the Clearwater Employee Pension Ordinance.

The changes to Section 2.398 and restated in Section 2.424 (Time and Manner of Payment) requires the Plan Administrator to deposit any lump sum payout exceeding \$1000 into an individual retirement plan designated by a trustee should the distribute not make an election otherwise.

The changes to Section 2.393 and restated in Section 2.412 add additional language to the definition for compensation to include severance payments and overtime.

**Councilmember Polglaze moved to amend Chapter 2, Article V, Division 3 of the City of Clearwater Code of Ordinance amending the Employee Pension Plan to comply with Section 401(a)(31)B of the Internal Revenue Code. The motion was duly seconded and carried unanimously.**

**Ordinance 8607-14 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 8607-14 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretokos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**10.6** Approve a recommendation by the Public Art and Design Board for the commission of a public art installation entitled Accumulate to be installed at Fire Station 45 located at 1140 Court Street, as designed by artist Aaron Stephan for a total cost of \$106,950.00 to be funded from the Main Station Fire Construction capital improvement project. (consent)

The theme and scope of the project was determined with input from representatives from project construction team, the Clearwater Fire department and members of the Parks and Recreation department. The desired intent for the artwork was to commission public artwork that serves as an artistic enhancement to the City's fire station and best exemplifies the spirit of the

firefighter.

The Public Art and Design Board appointed a five-member Selection Panel comprised of individuals representing specified interests and expertise as follows:

Neale Stralow (Chair), member of the PADB  
Chief Robert Weiss, Fire Department representative  
Tara Kivett, construction manager and building representative  
Felicia Leonard, Parks & Recreation representative  
Noah Rollins, Gensler Architects and Rollins Fine Art, aesthetics representative

A nationwide Call to Artists was issued and three artist finalists were invited to create a site-specific proposal of artwork for the memorial. On August 11, 2014 the Selection Panel met to review the site-specific proposals and selected the concept of artist Aaron Stephan as it best fit the theme and artistic desires of the project stakeholders.

On September 4, 2014 the Public Art and Design Board unanimously approved Mr. Stephan's proposal. The Board is recommending this artist's proposal of public artwork to the City Council.

This item supports the City's Strategic Vision by providing public art for the citizens as well as visitors to Clearwater making Clearwater a better place to live, learn, work, visit and play. This commission represents the City's ongoing commitment to the Public Art and Design Program through commissions of public art for City capital improvement projects, a process that is not affected by the mandatory to voluntary transition of the Public Art and Private Development program.

**APPROPRIATION CODE AND AMOUNT:**

Funds are available in capital improvement project 315-91253, Main Station Fire Construction.

*Cultural Affairs Specialist Christopher Hubbard said if Council approves the commission, staff will work with the artist to integrate the proposal into the site, which includes modifications that will enhance the viewing of the art piece outside of the building. Any modifications to the art piece will come before Council for review.*

*Concerns were expressed that the diameter of the area where the piece will be placed is 13 ft.; the piece, as proposed, is 10 ft. in diameter; and that it was not likely the facility would have a high volume of visitors or a receptionist. It was suggested that the artist be asked to rescale the piece.*

*In response to questions, Mr. Hubbard said if this piece is denied, staff will re-advertise the commission for this site. If Council believes the commission of public art for this building is inappropriate for the site, the funds may be transferred to another project, which would be subject to the City's Public Art Commission process. Mr. Hubbard said the process includes a Call to Artists, site selection, and artist selected from a pool of applicants. The City Attorney said, per city ordinance, Council may deem the artwork not necessary or appropriate. Fire Chief Robert Weiss said, with the exception of employees, the existing fire station does not have a regular stream of traffic. Mr. Hubbard said the Call for Artists specified for an interior piece and included blueprints of the building. The construction manager for the project recommended an interior art piece as there is not much space on the site for an exterior piece. City ordinance requires 1% of construction costs for new buildings, or renovations greater than 50%, be put towards acquisition of public art for that site.*

*In response to a concern, Mr. Hubbard said it is not the intent of the artist to squeeze the artwork into the site. Once the artist is commissioned under contract, the proposal will be modified to fit the dimensions of the space.*

*A concern was expressed with the cost of artwork that will not be visible outside of the facility.*

**Vice Mayor Hock-DiPolito moved to approve a recommendation by the Public Art and Design Board for the commission of a public art installation entitled Accumulate to be installed at Fire Station 45 located at 1140 Court Street, as designed by artist Aaron Stephan for a total cost of \$106,950.00 to be funded from the Main Station Fire Construction capital improvement project. The motion was duly seconded and carried by the following vote:**

**Ayes:** 3 - Vice Mayor Hock-DiPolito, Councilmember Hamilton and Councilmember Polglaze

**Nays:** 2 - Mayor Cretkos and Councilmember Jonson  
**Motion carried.**

**10.7** Approve Request for Proposal 35-14 (RFP) rankings for the operation and maintenance of the Barefoot Beach House located at 332 S. Gulfview Blvd. and allow staff to negotiate a lease agreement with Fields, Inc. of Clearwater, Florida, for a term of five years with one renewable term of five years.

The current agreement with Fields, Inc. to operate the Barefoot Beach House (BBH) expires on December 31, 2014.

On June 16, 2014 the City issued RFP 35-14 to solicit interested parties in the operation of the BBH from January 1, 2015 to December 31, 2019 with one renewable term of five years.

On July 16, 2014 the City received two qualified proposals; Fields, Inc. of Clearwater, Florida and Boucher Brothers Clearwater Beach, LLC.

On August 21, 2014, after oral presentations by both proposers the RFP committee (Jay Ravins, Geri Lopez, Kevin Dunbar, Gina Clayton and Art Kader) recommend the following rankings for the two proposals.

1. Fields, Inc. of Clearwater, Florida
2. Boucher Brothers Clearwater Beach, LLC.

If for some reason staff cannot negotiate an acceptable lease agreement with Fields, Inc. then they will move forward with attempting to negotiate an agreement with Boucher Brothers.

It should be pointed out that both proposals were excellent and the RFP committee felt that either party would be acceptable and do an excellent job for the City.

The proposals were ranked by the following criteria:

- a. Successful experience in State of Florida and Pinellas County providing similar services
- b. Longevity of proposer providing these types of services
- c. Successful experience in Florida managing and operating a public building
- d. Compensation or financial benefits to the City of Clearwater.
- e. Proven financial stability and resources available to fulfill contract
- f. Documented involvement and service to the community
- g. Responsiveness and completeness of RFP

The ranking of both proposals were very close but the decision to rank Fields, Inc. as number one came down primarily on the issue of the potential financial return to the City and strong community relationships.

Fields, Inc. proposal provides for a greater opportunity for the City to make more revenue than the Boucher Brothers proposal; while the Boucher Brothers proposal provides for a greater guarantee to the City over the term of the agreement.

Guarantee return from Boucher Brothers was \$500,000 while Fields, Inc. was

\$100,008 per year. However, the percentage on beach rentals and percentage on additional concessions revenue by Fields, Inc. was substantially higher than Boucher Brothers. Percentage returns on beach rentals for Fields was 50% compared to 10% for Boucher Brothers.

Formulas were developed to analyze the potential return scenarios based on calendar year 2013 and in all scenarios where there is any growth potential in concessions or rentals Fields, Inc. proposal yields substantially more revenue to the City. However if there were a down turn in the economy and the gross revenues per year decreased by 1% then the Boucher Brothers scenario would be higher in terms of total return to the City.

Based on 2013 gross revenue the City would receive \$602,979 from Fields, Inc. and \$596,767 from Boucher Brothers.

The 2014 gross revenue as of July 31st is running 12.8% higher than in 2013; (21.7%) in beach rentals and (3.8%) in concession sales. And, there is no indication that this revenue will decrease with the additional new developments coming to Clearwater Beach as well as projected growth in tourism.

While Boucher Brothers has been very active in supporting and partnering with both non-profit and civic organizations in the areas they have business in, contributing both time and money (over \$200,000 in 2012 and 2013), they have not contributed to any Clearwater community groups or organizations.

On the other hand Fields, Inc. has deep roots in the community and has been a part of and contributed to the fabric of the community for over 20 year. In addition to monetary assistance for over 30 organizations they have been active on local boards and civic groups as well as developing and sponsoring Sunsets at Pier 60 and Sugar Sand Festival as part of Fun N Sun Festivals.

If the ranking is approved by Council, staff will negotiate a new agreement with Fields, Inc. to be brought back to Council for approval at a later date.

**Councilmember Polglaze moved to approve Request for Proposal 35-14 (RFP) rankings for the operation and maintenance of the Barefoot Beach House located at 332 S. Gulfview Blvd. and allow staff to negotiate a lease agreement with Fields, Inc. of Clearwater, Florida, for a term of five years with one renewable term of five years. The motion was duly seconded and carried unanimously.**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**10.8** Approve changes to the Clearwater Gas System utility rates to become effective for all gas bills and services rendered on or after November 1, 2014, and pass Ordinance 8591-14 on first reading.

Black and Veatch have completed a Cost of Service and Rate Study for the Clearwater Gas System (CGS). This study is an update of their last study issued September 2010.

The Study includes a projection of CGS' financial position for the period 2014 - 2019 and a cost of service analysis to evaluate the cost responsibility for each of the various classes of customers served.

Based on the results of the Study, CGS' rates are adequate for the period, and we are actually recommending an overall \$1.2 million annual decrease in base rates. Key recommendations in the Study and Ordinance are:

- Roll the non-weather portion of Usage & Inflation Adjustment (UIA) rate into the eligible base distribution charges and reset the normal use per customer and Consumer Price Index (CPI-U) to current levels as specified in the Study and Ordinance.
- Decrease the Commercial class revenues by approximately \$1.2 million by reducing distribution rates to the levels as specified in the Study and Ordinance.
- Increase the Residential Single-Family monthly customer charge by \$2.00 and offset this with a reduction in the usage charge. The net effect of these changes to the residential rate revenue overall is negligible as the increase in customer charge is offset by the decrease in distribution charge revenues. This is revenue neutral for our typical single-family residential customer.
- Make certain changes in the propane (LP) rates, based on a competitive analysis of local LP suppliers, as specified in the Ordinance.
- Adopt a new pricing structure for service charge rates that establishes a per trip charge, which includes up to 1 hour of labor plus quarter hour rates for additional time on site beyond 1 hour.
- Make certain wording clarifications in our Ordinances to better reflect operating policies and responsibilities.

Table 1-2 on Page 7 of the Rate Study shows the projected effect of these recommended rate adjustments and will become CGS' basis for strategic goal setting.

**Councilmember Hamilton moved to approve changes to the**

**Clearwater Gas System utility rates to become effective for all gas bills and services rendered on or after November 1, 2014. The motion was duly seconded and carried unanimously.**

**Ordinance 8591-14 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8591-14 on first reading. The motion was duly seconded and upon roll call, the vote was:**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**10.9** Appoint a member to the Community Development Board to fill the remainder of an unexpired term through February 28, 2017.

*The City Clerk said, as directed by Council, staff contacted Christopher Anuszkiewicz regarding serving on the Environmental Advisory Board; Mr. Anuszkiewicz respectfully declined.*

*It was stated that the Community Development Board never had a landscape architect appointed as a member. City code states that the Board shall include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, planning and land use law and real estate.*

**Councilmember Jonson moved to appoint Christopher Anuszkiewicz to the Community Development Board to fill the remainder of an unexpired term through February 28, 2017. The motion failed for lack of a second.**

**Councilmember Hamilton moved to appoint David Allbritton to the Community Development Board to fill the remainder of an unexpired term through February 28, 2017. The motion was duly seconded and carried unanimously.**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

**10.10** Appoint one member to the Environmental Advisory Board to fill the remainder of an unexpired term through September 30, 2017.

**Vice Mayor Hock-DiPolito moved to appoint Leann DuPont to the**

**Environmental Advisory Board to fill the remainder of an unexpired term through September 30, 2017. The motion was duly seconded and carried unanimously.**

**Ayes:** 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

*A concern was expressed regarding appointing individuals to an unexpired term in which more than half of the term remains. It was suggested that individuals appointed to quasi-judicial boards with an unexpired term in which more than half of the term remains be considered as serving a full term. Staff was directed to draft an ordinance for council consideration.*

#### **10.11 Change November 20, 2014 Council Meeting Start Time.**

Largo Medical Center's Urgent Care facility at 2339 Gulf to Bay Boulevard will have their Grand Opening on November 20, 2014 from 5:30 p.m. to 7:30 p.m. Councilmembers have been invited to the event. To ensure Council is able to participate in the grand opening ceremony and return to City Hall for the scheduled council meeting, staff is suggesting changing the meeting start time to 6:30 p.m.

**Councilmember Hamilton moved to have the November 20, 2014 council meeting start at 6:30 p.m. The motion was duly seconded and carried unanimously.**

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

#### **12. Other Council Action - None.**

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

*Councilmember Jonson said the Pinellas Suncoast Transit Authority will be hosting a Greenlight Pinellas Telephone Town Hall tomorrow at 10:00 a.m. and provided Council with comments regarding ULI's (Urban Land Institute) report to be discussed at a work session.*

*Vice Mayor Hock-DiPolito said Hillsborough and Pasco Metropolitan Planning Organizations have endorsed the Greenlight Pinellas Plan and encouraged all to download the ULI app that provides information on current activities and projects.*

**14. Closing Comments by Mayor**

*Mayor Cretekos reviewed recent and upcoming events, reminded all that Monday, October 6 is the last day one can register to vote for the November 4 Election.*

**15. Adjourn**

*The meeting adjourned at 8:00 p.m.*

Attest

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

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