

City of Clearwater

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



Meeting Minutes

Wednesday, October 16, 2019

6:00 PM

Main Library - Council Chambers

City Council

Roll Call

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

Also Present: William B. Horne II – City Manager, Micah Maxwell – Assistant City Manager, Michael Delk – Assistant City Manager, Pamela K. Akin City Attorney, Rosemarie Call – City Clerk and Nicole Sprague – Official Records & 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. in Council Chambers at the Main Library.

2. Invocation – Bishop Joseph A. Meyers, III from The Church of Jesus Christ of Latter-Day Saints.

3. Pledge of Allegiance – Councilmember Hamilton

4. Special recognitions and Presentations (Proclamations, service awards, or other special recognitions. Presentations by governmental agencies or groups providing formal updates to Council will be limited to ten minutes.) – Given.

4.1 October Service Awards

Two service awards were presented to city employees.

The September 2019 Employee of the Month Award was presented to Shane Miller, Marine and Aviation.

4.2 Red Ribbon Week Proclamation, October 23-31, 2019 - Michele Edwards, Clearwater Neighborhood Family Center

4.3 Domestic Violence Awareness Month Proclamation, October 2019 - Kirk Ray Smith,

President and CEO of RCS and Melinda Perry, COO of RCS.

- 4.4 Manufacturing Month Proclamation, October 2019 - Bay Area Manufacturers Association
- 4.5 Florida City Government Week Proclamation, October 21-27, 2019 - Nicole Sprague, Official Records and Legislative Services

5. Approval of Minutes

- 5.1 Approve the minutes of the October 3, 2019 City Council Meeting as submitted in written summation by the City Clerk.

Councilmember Allbritton moved to approve the minutes of the October 3, 2019 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

Lina Teixeira reviewed recent contributions to Downtown made by the private sector and thanked them for their partnership with the City and local merchants and efforts in sharing Downtown's positive story telling.

7. Consent Agenda – Approved as submitted.

- 7.1 Approve a local government contribution of \$747,000 in General Fund Reserves to be set aside as a commitment for the Minimum Local Government Areas of Opportunity Funding that is required for Blue Sky Communities to receive a basis boost in the State of Florida's Low Income Housing Tax Credit Program (LIHTC) for an 81-unit affordable housing development project at 610 Franklin Street; approve Section 15.18 and 15.21 of the Development Agreement between the Community Redevelopment Agency of the City of Clearwater and Blue Sky Communities, LLC (Blue Sky) and authorize the appropriate officials to execute same. (consent)
- 7.2 Approve a draw request in the amount of \$2,648,244.15 from the SunTrust Master Lease/Purchase Agreement 10481 line of credit to reimburse expenditures for equipment as listed in Exhibit A, authorize the City's Finance Director to approve future draw requests on the credit line and authorize the appropriate officials to execute same. (consent)
- 7.3 Authorize the piggyback of State of Florida Contract No. 84121500-15-01, Purchasing Card Program, with Bank of America, for the term of October 2019 through December

2020, pursuant to Clearwater Code of Ordinances Section 2.564 (1)(d) Other Government Entities Bids and authorize the appropriate officials to execute same. (consent)

- 7.4** Accept a Natural Gas Easement over, under, across and through a portion of property conveyed by Marina Del Rey Un B Assn, whose principal address is 1571 Gulf Boulevard, Clearwater, given in consideration of receipt of \$1.00 and the benefits to be derived therefrom. (consent)
- 7.5** Renew Grant and Financial Assistance Agreement between the Florida Department of Law Enforcement and the City of Clearwater, to facilitate a current mutual aid agreement between the two entities, effective upon execution through June 30, 2020, and authorize the appropriate officials to execute same. (consent)
- 7.6** Authorize the piggyback of City of St. Petersburg Contract for Security Cameras, Installation, Maintenance, and Repairs, to GSA Security, Inc. of Tampa, FL; in the amount of \$400,000 for the 3-year term expiring on June 24, 2022, pursuant to Clearwater Code of Ordinances Section 2.564(1)(d) Exceptions to Bid - Other Government Entities' Bids and authorize the appropriate officials to execute same. (consent)
- 7.7** Authorize piggyback of Florida State Contract DMS-10/11-008C, for basic cellular/smart phones and mobile data services, with Verizon Wireless, in an amount not to exceed \$690,000 for the period October 1, 2019 through September 30, 2020, pursuant to Clearwater Code of Ordinances Section 2.564 (1)(d) Other Government Entities Bids; and authorize the appropriate officials to execute same. (consent)
- 7.8** Authorize piggyback of Florida State Contract DMS-08/09-071, for SunCom long distance service, State AIN Centranet lines, and toll-free lines, in an amount not to exceed \$134,200 for the period October 1, 2019 through September 30, 2020, pursuant to Clearwater Code of Ordinances Section 2.564 (1)(d) Other Government Entities Bids and authorize the appropriate officials to execute same. (consent)
- 7.9** Approve Docking Agreement between the City of Clearwater and The Sandpearl Resort, LLC for the shared docking facility located adjacent to the Beach Recreation Center and authorize the appropriate officials to execute same. (consent)
- 7.10** Authorize establishment of new capital improvement project, C-2005-NORD Underground Refuse Program and project purchases for a total budget amount of \$1,570,090, which includes Construction Management at Risk Services from Biltmore Construction Co. Inc. in the amount of \$650,500, a truck chassis from Kenworth of Central Florida in the amount of \$235,214, and NORD Underground Refuse Systems in

the amount of \$470,139, all in accordance with Clearwater Code of Ordinances Section 2.564(1)(d) Other Government Entities Bids and authorize the appropriate officials to execute same. (consent)

7.11 Approve the purchase of HVAC replacement and repair parts, for an annual not to exceed amount of \$350,000 for Fiscal Year 19/20, to vendors as listed, in accordance with Clearwater Code of Ordinances Section 2.564(1)(d) Other Government Entities Bids, to include other sourced vendors as required, and authorize the appropriate officials to execute same. (consent)

7.12 Authorize the award of Invitation to Bid Number 47-19, Police Vehicle Upfitting Services, to Enforcement One, Inc. of Oldsmar, FL, in the annual not-to-exceed amount of \$300,000.00, to include two one-year renewal terms at the City's option and authorize the appropriate officials to execute same. (consent)

Councilmember Hamilton 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 Declare surplus, for the purpose of donation for development of affordable housing, real property located at 1304 North Madison Avenue together with vacated right-of-way per city Ordinance 9327-19; approve the Real Property Donation Agreement between the City and Habitat for Humanity of Pinellas County, Inc. and allow the appropriate officials to execute same, together with all other instruments required to affect closing. (APH)

Property located at 1304 N. Madison Avenue (Parent Parcel) is currently vacant, and it is identified by Resolution 19-10 as a city-owned property appropriate for use as affordable housing (Pinellas County Property I.D. 10-29-15-26892-007-0110). Property formerly identified as city right-of-way, vacated by city Ordinance 9327-19 (Additional Parcel), will be combined with the Parent Parcel under the Donation Agreement. The City acquired the Parent Parcel earlier this year through foreclosure of code enforcement liens. The Additional Parcel was acquired in 1946. The City will retain a utilities easement over the Additional Parcel.

The combined parcels (Property) are located within the North Greenwood Neighborhood Revitalization Strategy Area which is identified in the city's

Consolidated Plan. The Property is suitable for construction of a single-family home. Habitat for Humanity of Pinellas County is planning to construct a seven-bedroom home on the Property.

The Property is described as follows:

LOT 11 AND LOT 12 LESS THE SOUTH 20.00' FEET, BLOCK G, FAIRMONT SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 9, PAGE 85, PUBLIC RECORDS OF PINELLAS COUNTY, FLORIDA.

A staff appraisal valued the property at \$42,700 on September 30, 2019.

According to Section 2.01(d)(5)(i) of the Clearwater City Charter, the City Council may approve the donation or sale for less than fair market value of city-owned property of not more than one-half acre in size for workforce or affordable housing following a public hearing. The property is approximately 0.244 acres (10,635 square feet).

Councilmember Allbritton moved to declare surplus, for the purpose of donation for development of affordable housing, real property located at 1304 North Madison Avenue together with vacated right-of-way per city Ordinance 9327-19; approve the Real Property Donation Agreement between the City and Habitat for Humanity of Pinellas County, Inc. and allow the appropriate officials to execute same, together with all other instruments required to affect closing. The motion was duly seconded and carried unanimously.

- 8.2** Deny amendments to the Clearwater Community Development Code to expand the geographical area within the Regional Center Subdistrict of the US 19 District where self-storage warehouses are currently allowed on a limited number of parcels, to allow the use on certain parcels 1.1 to 1.2 acres in area with frontage on Seville Boulevard, and do not pass Ordinance 9308-19 on first reading. (TA2019-06002)

Pursuant to Community Development Code Section 4-601.B, amendments to the Code may be initiated by the City Council, the Community Development Coordinator, or by any person in conjunction with an application for a development approval. BDG Properties, owner of property located at 2611 Seville Boulevard, submitted an application for a text amendment to expand the area within the Regional Center Subdistrict of the US 19 zoning district where self-storage warehouses are allowed, in conjunction with the required development application. The owner has a pending purchase agreement with RK Development Partners, LLC, a firm which wants to construct a 900-unit self-storage warehouse with 4,500 square feet of office/retail on the property.

Self-storage warehouses are allowed as a flexible standard use in the US 19 District in the following locations:

- Corridor Subdistrict: No parcel size or locational restrictions

- Regional Center Subdistrict: On parcels of .75 acres to .9 acres in size that existed on or before October 17, 2018 with Street Frontage Type C that do not have any other Street Frontage Type (per Ordinance 9161-18 adopted on November 1, 2018)

Proposed Ordinance 9308-19 would expand the allowance of this use by also permitting it in the Regional Center Subdistrict on parcels of 1.1 acres to 1.2 acres in size fronting Seville Boulevard that existed on or before June 3, 2019 as a flexible standard use. The specific locational requirements effectively limit the amendment, so it applies only to one property, 2611 Seville Boulevard. The same use specific standards previously established in the 2018 amendment for those warehouses located in the Regional Center Subdistrict would continue to apply to this new parcel.

The applicant is utilizing the text amendment process to afford development rights to the owner of only one property (1.13 acres) located on a specific street (Seville Boulevard), out of 660 properties located within the Regional Center Subdistrict. Regulatory devices like land development regulations should apply to a majority of properties within a zoning district. This property is located on the border of the Corridor and Regional Center Subdistricts, directly abutting parcels designated as US 19 Corridor on the Future Land Use Map and in the Corridor Subdistrict. The US 19 Zoning District and Development Standards includes the procedures for requesting amendments to the Future Land Use Map and to change the US 19 Subdistrict for property, which is the appropriate process for requesting a change affecting a single parcel within the US 19 District.

A summary of the city's efforts focused on the redevelopment of the US Highway 19 corridor is provided in the staff report (Table 1). The goal for all of these efforts is to reposition the corridor to make Clearwater a more economically competitive, sustainable, and livable community, and the city has seen renewed investment along US 19 since rezoning the corridor in 2017.

The Planning and Development Department determined that the proposed ordinance is inconsistent with the standards for review in Clearwater Community Development Code which apply to text amendments as specified below (Section 4-601.F):

- The proposed amendment is inconsistent with and does not further the goals, policies and objectives of the Comprehensive Plan; and
- The proposed amendment will not further the purposes of the development code and other city ordinances and actions designed to implement the plan.

As a whole, the self-storage warehouse use does not support the goals of the activity centers on US Highway 19 as designated on the Citywide Design Structure and does not prioritize or support an employment producing or transit supportive land use in the Regional Center; therefore, expansion of this use in the Regional Center Subdistrict would be inconsistent with the Comprehensive Plan, Clearwater Greenprint, Clearwater Economic Development Strategic Plan, US 19 Corridor Redevelopment Plan and the Clearwater Comprehensive

Plan and is inconsistent with the purposes of the Community Development Code.

The Planning and Development Department recommends denial of the proposed text amendment. The Community Development Board, after conducting a public hearing on September 17, 2019, recommended denial of the application by a vote of 5 to 2.

In response to questions, Planning Manager Lauren Matzke said if the applicant pursued the map amendment, the proposed project would be approximately 44,000 sq. ft. smaller and over 300 fewer storage units. The maximum square-footage allowed in the corridor subdistrict is 74,000. The regional center allows up to 150 ft. in height but the corridor sub-district allows 100 ft. Ms. Matzke said the proposed project is will be 96 ft. with 8 stories. Planning and Development Director Gina Clayton said staff has not conducted a detailed analysis on a land use plan amendment but there are points in the map that would make a map amendment application appropriate. The applicant has not presented a land use plan amendment request.

Applicant Representative Brian Aungst reviewed the request and said the application does not inhibit the implementation of the US 19 plan. The process pursued by the applicant is legal and available to any property owner in Clearwater. The US 19 plan is unlike any other plan in Clearwater; there is only US 19 zoning with its own specific sub-districts. He said any change to any property in the US 19 plan requires a text amendment as part of the application. Even if the applicant chose to do a comprehensive countywide plan map amendment, a text amendment would still be required. The request before Council was evaluated by Forward Pinellas staff and was found to be consistent with the countywide rules. Mr. Aungst said the applicant followed the same process the Denny's applicant was told to pursue, the text amendment process. RK Dev. Partners LLC representative, Mr. Reed Hayden said the proposed site is small and has an awkward shape. Due to the location, it was determined a retail use would not work because of poor traffic flow and poor visibility from US 19. He said office and residential uses were also considered but it was determined neither use would be suitable because a parking garage was not feasible. The project proposes 18 parking spaces; 10 additional spaces may be possible. Mr. Hayden said there is approximately 7,000 sq. ft. of potential office-retail space; the project is proposing 6,000 sq. ft. of office-retail space.

In response to questions, Mr. Aungst said the residential neighbors to

the east have not provided a response; the apartment units are leased out and are not homesteaded. The 2.5 FAR density is allowed in the regional center. Staff has identified the site for intense development but that type of development will not occur because of the parking requirement. The project is over 110 feet away from the closest residential building. Mr. Aungst said the residential building has a wall on the applicant's property that the applicant will maintain; the existing trees will remain as well. Mr. Hayden said the residential building is 3-stories high; the proposed self storage facility will be 8-stories high, which is below 100 ft. Mr. Aungst said the Community Development Board recommended denial; the two attorneys on the board voted in the majority.

One individual spoke in opposition.

Ms. Clayton said staff believes there are other locations in the corridor that allows self storage facilities. The new self storage on Duncan Avenue and the one being built on US 19 will add 1,500 new self storage units to the market. She said process is critical because, in this case, Council is affording someone rights that other property owners do not have. Staff suggested the applicant follow the appropriate process. If Council supports self storage in the regional centers, staff believes it should be looked at holistically and amend the code to allow it.

Mr. Hayden said self-storage does not generate traffic but allows one to build to the intensity envisioned within the plan because there isn't much of a parking requirement. The project will be designed appropriately for the area and will look like an office building. Mr. Aungst said density is not before the Council and that there is compelling evidence to support the legislative decision. The project will include installing a sidewalk, streetscaping, interconnectivity between the parcels and will activate the site with 6,000 sq. ft. of retail-office space.

Discussion ensued with comments made that the subject property has been vacant for a long time, the 7-11 owner does not desire to consolidate property with the subject site, the project will provide storage space for the new 1,800 housing units being constructed within 0.5 miles. A concern was expressed that staff spent a lot of time developing the US 19 corridor plan and that the Community Development Board recommended denial.

Vice Mayor Cundiff moved to deny amendments to the Clearwater Community Development Code to expand the geographical area within the Regional Center Subdistrict of the US 19 District where

self-storage warehouses are currently allowed on a limited number of parcels, to allow the use on certain parcels 1.1 to 1.2 acres in area with frontage on Seville Boulevard. The motion was duly seconded and failed with the following vote:

Ayes: 1 - Mayor Cretelos

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

Request to deny failed.

Ordinance 9308-19 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9308-19 on first reading. The motion was duly seconded and upon roll call, carried with the following vote:

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

Nays: 1 - Mayor Cretelos

- 8.3** Approve the annexation, initial Future Land Use Map designation of Industrial Limited (IL) and initial Zoning Atlas designation of Industrial, Research and Technology (IRT) District for 2108 Palmetto Street, and pass Ordinances 9309-19, 9310-19 and 9311-19 on first reading. (ANX2019-07014)

This voluntary annexation petition involves a 0.895-acre property consisting of one parcel of land which is currently occupied by a single-family dwelling. Previously, the property had been used by a vehicle repair business; however, that use is no longer there. The property is located on the north side of Palmetto Street approximately 1,080 feet west of North Belcher Road. The applicant is requesting annexation in order to receive solid waste service from the city and would like to utilize the property in conjunction with the parcel to the east, which is also owned by the applicant. The property is contiguous to existing city boundaries on all sides, and annexation of the property will eliminate an enclave. It is proposed that the property be assigned a Future Land Use Map designation of Industrial Limited (IL) and a Zoning Atlas designation of Industrial, Research & Technology (IRT).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Community Development Code

Section 4-604.E as follows:

- The property currently receives water service from the City. Sanitary sewer is not readily available to the property. Collection of solid waste will be provided by the City of Clearwater. The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station #48 located at 1700 North Belcher Road. The City has adequate capacity to serve this property with solid waste, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

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

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

- The proposed Industrial Limited (IL) Future Land Use Map category is consistent with the current Countywide Plan designation of the property. This designation primarily permits nonresidential uses at a floor area ratio (FAR) of 0.65. The proposed zoning district to be assigned to the property is the Industrial, Research & Technology (IRT) District. The existing detached dwelling has remained unchanged since constructed in 1947; however, this residential use is not allowed in the Industrial, Research & Technology (IRT) District. The owner has been advised that this would be a nonconforming use within the City and is aware of the provisions of Community Development Code Article 6 Nonconformity Provisions which apply to this property once annexed into the City. Additionally, any future use would be required to meet the standards of the Industrial, Research & Technology (IRT) District.; and
- The property proposed for annexation is contiguous to existing city boundaries on all sides; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

Vice Mayor Cundiff moved to approve the annexation, initial Future Land Use Map designation of Industrial Limited (IL) and initial Zoning Atlas designation of Industrial, Research and Technology (IRT) District for 2108 Palmetto Street. The motion was duly seconded and carried unanimously.

Ordinance 9309-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9309-19 on first reading. The motion was duly seconded and upon roll call, carried with the following vote:

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

Ordinance 9310-19 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9310-19 on first reading. The motion was duly seconded and upon roll call, carried with the following vote:

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

Ordinance 9311-19 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9311-19 on first reading. The motion was duly seconded and upon roll call, carried with the following vote:

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

- 8.4** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1421 West Virginia Lane and pass Ordinances 9312-19, 9313-19, and 9314-19 on first reading. (ANX2019-07015)

This voluntary annexation petition involves 0.19 acres consisting of one parcel of land occupied by a single-family dwelling. The property is located on the east side of West Virginia Lane, approximately 865 feet south of SR590. The applicant is requesting annexation to receive solid waste service from the City. The property is located within an enclave and is contiguous to existing city limits to the west. It is proposed that the property be assigned a Future Land Use Map designation of Residential Low (RL) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

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

- The property currently receives water and sanitary sewer service from the City. Collection of solid waste will be provided for the

property by the City of Clearwater. The property is located within Police District III, and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station #49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve this property with solid waste, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and

- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

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

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

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

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

Vice Mayor Cundiff moved to Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1421 West Virginia Lane. The motion was duly seconded and carried unanimously.

Ordinance 9312-19 was presented and read by title only.

Councilmember Hamilton moved to pass Ordinance 9312-19 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 9313-19 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9313-19 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 9314-19 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9314-19 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

- 8.5** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1861 East Drive and pass Ordinances 9318-19, 9319-19 and 9320-19 on first reading. (ANX2019-07017)

This voluntary annexation petition involves 0.216 acres of property consisting of one parcel of land occupied by a single-family home. The parcel is located on the east side of East Drive approximately 223 feet south of Sunset Point Road. The applicant is requesting annexation in order to receive sanitary sewer and solid waste service from the City. The property is located within an enclave and is contiguous to existing city limits to the north, east and south. It is proposed that the property be assigned a Future Land Use Map designation of Residential Low (RL) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

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

- The property currently receives water service from the City. The closest sanitary sewer line is located in the adjacent East Drive right-of-way.

The applicant has paid the required sewer impact and assessment fees in full and is aware of the additional costs to extend city sewer service to the property. Collection of solid waste will be provided to the property by the City. The property is located within Police District II and service will be administered through the district headquarters located at 645 Pierce Street. Fire and emergency medical services will be provided to this property by Station #51 located at 1720 Overbrook Avenue. The City has adequate capacity to serve this property with sanitary sewer, solid waste, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and

- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

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

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

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

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

Councilmember Allbritton moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 1861 East Drive. The motion was duly seconded and carried unanimously.

Ordinance 9318-19 was presented and read by title only.

Councilmember Hamilton moved to pass Ordinance 9318-19 on first

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

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

Ordinance 9319-19 was presented and read by title only.

Councilmember Allbritton moved to pass Ordinance 9319-19 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 9320-19 was presented and read by title only.

Councilmember Polglaze moved to pass Ordinance 9320-19 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

9. Second Readings - Public Hearing

9.1 Pass Ordinance 9298-19 on second reading, annexing certain real property whose post office address is 1819 Audubon Street, Clearwater, Florida 33764, together with a certain portion of Audubon Street right-of-way, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 9298-19 was presented and read by title only.

Vice Mayor Cundiff moved to pass Ordinance 9298-19 on second reading. The motion was duly seconded and upon roll call, the vote was:

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

11. City Manager Reports

11.1 Support the Florida Gulf Coast Hope Spot and adopt Resolution 19-28.

Hope Spots are recognized areas critical to ocean health and human communities. These areas provide at least one of the following functions:

- A special abundance or diversity of species, unusual or representative species, habitats or ecosystems
- Particular populations of rare, threatened or endemic species
- A site with potential to reverse damage from negative human impacts
- The presence of natural processes such as major migration corridors or spawning grounds
- Significant historical, cultural or spiritual values
- Particular economic importance to the community

Hope Spots are not a legal designation or regulatory entity and do not bring any rules or restrictions to their location. There is no cost associated with an area becoming a Hope Spot. Instead, they are recognized as special locations by world-renowned biologist Dr. Sylvia Earle's organization, Mission Blue, and advocated as sites worthy of scientific research and preservation. Mission Blue announces and promotes its Hope Spots to an extensive network of marine scientists, who may conduct studies or hold conferences in the surrounding areas. To its Hope Spots, Mission Blue facilitates funding support, collaboration between potential partners, and assists in increasing local, international, and governmental recognition. Furthermore, a Hope Spot designation promotes an area as an eco-tourism destination.

The Hope Spot along Florida's Gulf Coast will encourage an influx of visitors, be they scientists or tourists, to visit the region. This will assist the city of Clearwater's strategic direction by increasing the economic opportunity of our area. The Hope Spot will also support the values laid out by the city's Comprehensive Plan, which prescribes the "preservation of all living and nonliving coastal zone resources" and the "avoidance of loss of coastal zone resources."

On May 16, 2019, the City of Dunedin passed a resolution supporting Florida Gulf Coast Hope Spot. The Tampa Bay Estuary Program and Pinellas County Board of Commissioners Chair have each issued statements in support of the Hope Spot being established in the coastal waters from Apalachicola to Ten Thousand Islands Wildlife Refuge. In recognition of its benefits and alignment with city values, it is recommended that the City of Clearwater City Council issue a resolution in support of the Florida Gulf Coast Hope Spot.

Councilmember Hamilton moved to support the Florida Gulf Coast

Hope Spot. The motion was duly seconded and carried unanimously.

Resolution 19-28 was presented and read by title only. Councilmember Allbritton moved to adopt Resolution 19-28. The motion was duly seconded and upon roll call, the vote was:

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

11.2 Approve an agreement between the City of Clearwater (City) and Redflex Traffic Systems, Inc. (Redflex), for a Traffic Camera Safety Improvement Program, through October 30, 2024, in accordance with Clearwater Code of Ordinances Section 2.564(1) (d) Other Government Entities Bids and authorize the appropriate officials to execute same.

In April 2011, the City of Clearwater issued request for proposal (RFP) 22-11, which sought proposals relating to the implementation of a Red Light Camera Safety Program. A committee, which comprised employees from the Police Department, Traffic Engineering, and the Legal Department, evaluated the submitted proposals; Redflex Traffic Systems, Incorporated, received the highest ranking.

As directed by the City Council, and through negotiations with Redflex Traffic Systems, Incorporated, an agreement resulted in a six-month Red Light Camera Pilot Program. In November 2011, after a successful Red Light Camera Pilot Program, the program continued with three intersection approaches: eastbound Chestnut Street at South Fort Harrison Avenue, westbound State Road 60 (Gulf-to-Bay Boulevard) at Belcher Road, and eastbound State Road 60 (Gulf-to-Bay Boulevard) at Belcher Road.

Since this time, the Clearwater Police Department has operated a Traffic Camera Safety Improvement Program utilizing red-light-camera technology. The current agreement is scheduled to expire on October 30, 2019.

Under the terms of this agreement, the City of Clearwater and Redflex Traffic Systems would enter into a two-year agreement, which automatically renews for three successive, one-year period(s).

The terms of the agreement are substantially similar to the expiring agreement; during the contract period, the City of Clearwater would transfer to Redflex Traffic Systems, Incorporated, monthly, the amount of \$4,270.00 per intersection approach should five or fewer intersection approaches be utilized in

the program. If more than five intersection approaches are implemented, a per month intersection approach fee of \$4,100.00 would apply.

In an effort to ensure negligible budgetary impact, should the derived revenues not exceed the per intersection approach fee during any given period, Redflex Traffic Systems, Incorporated, agrees to allow the City of Clearwater to defer payment of the deficit amount. At the end of the contract term, should collections be insufficient to account for the balance due, Redflex Traffic Systems, Incorporated, waives its right to collection of the deficit amount and the City of Clearwater may terminate the contract with cause. Overages in collections during any subsequent billing period would be applied to applicable monthly balance(s) in arrears.

If the Florida Legislature enacts legislation repealing the statutory authorization for the City to operate a red-light-camera program, then the agreement will automatically terminate upon the effective date of the legislation; the City will not be obligated to pay any financial penalty, but would be obligated only to pay the amount owed to Redflex pursuant to EXHIBIT "D" of the Redflex Exclusive Agreement for services provided up to the effective date of the legislation.

The pricing included in this agreement was previously competitively solicited and obtained through the National Cooperative Purchasing Alliance (NCPA), a national resource for public entities for similar public solicitations; the City of Clearwater is a participating member in this partnership. The pricing is unchanged from our current agreement with Redflex.

APPROPRIATION CODE AND AMOUNT:

Funding for this contractual agreement is included in the Police Department's fiscal year 2019-2020 operating budget request for cost code, 0101139-530300, contractual services. Future fiscal year funding will be required through the annual Operating Budget Process.

In response to questions, Police Chief Daniel Slaughter said utilizing the cameras are safer than having an officer go through an intersection. An effective deterrent is certainty; when one runs a red light, a citation will be issued. The agreement includes a 90-day cancellation clause.

Three individuals spoke in opposition.

One individual spoke in support.

Councilmember Hamilton moved to approve an agreement between the City of Clearwater (City) and Redflex Traffic Systems, Inc.

(Redflex), for a Traffic Camera Safety Improvement Program, through October 30, 2024, in accordance with Clearwater Code of Ordinances Section 2.564(1)(d) Other Government Entities Bids and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

11.3 Accept an Underground Communications Easement containing two easement areas (a 34-foot easement and a 50-foot easement), from Duke Energy Florida, LLC for the construction, installation and maintenance of underground communications facilities on real property located in Duke Energy Right-of-Way, West of Spectrum Field and adopt Resolution 19-31.

The proposed easement will provide the City with property rights necessary for the construction, installation and maintenance of underground communications facilities within the easement that will support the new City Transfer Station and the Phillies Carpenter Complex at Spectrum Field.

The City Engineering Department recommends acceptance of the easement.

Councilmember Allbritton moved to accept an Underground Communications Easement containing two easement areas (a 34-foot easement and a 50-foot easement), from Duke Energy Florida, LLC for the construction, installation and maintenance of underground communications facilities on real property located in Duke Energy Right-of-Way, West of Spectrum Field. The motion was duly seconded and carried unanimously.

Resolution 19-31 was presented and read by title only.

Councilmember Polglaze moved to adopt Resolution 19-31. The motion was duly seconded and upon roll call, the vote was:

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

11.4 Approve the First Amendment (Amendment) to that certain Contract for Sale of Real Property by the City of Clearwater, Florida between the City of Clearwater (City) and Equity Lifestyle Properties, Inc. (ELS) and authorize the appropriate officials to execute same.

The City and ELS entered into that certain Contract for Sale of Real Property on November 20, 2018 (Contract) for the sale of city-owned property in Hillsborough County more particularly described as Hillsborough County folio

numbers 001688-0000, 001689-0000, and 001697-0000.

The Contract provided an opportunity for the parties to identify and memorialize certain pre-existing conditions related to the City's prior use of the Property by mutual agreement. No such conditions were identified by mutual agreement and no addendum to the agreement was memorialized.

For purposes of clarification, the parties now wish to amend Section 20 of the Agreement to reflect that the Inspection Period as defined in the Contract has passed, with no such conditions being identified. The remainder of the indemnity provisions as written shall remain intact.

Vice Mayor Cundiff moved to approve the First Amendment (Amendment) to that certain Contract for Sale of Real Property by the City of Clearwater, Florida between the City of Clearwater (City) and Equity Lifestyle Properties, Inc. (ELS) and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

11.5 Authorize the recording of a lien for a total cost of \$27,444.24 on the property located at 401 N. Garden Avenue, Clearwater, Florida, which has a legal description of the West ½ of Lot 11, Block 2, Hart's addition to Clearwater, according to the map or plat thereof as recorded in Plat Book 1, Page 94, of the Public Records of Hillsborough County, Florida of which Pinellas County was formerly a part and whose owner is JPAC, LLC and adopt Resolution 19-07.

The Building Official initially declared the structure found on this property unsafe under Chapter 47, Article VII of the Clearwater Community Development Code on April 27, 2016. The property owner did not appeal this decision to the Building/Flood Board of Adjustment and Appeals and therefore the Building Official had the authority to abate the unsafe condition by repair, vacation, or demolition, or any combination thereof, under Sect. 301.1 of the Standard Unsafe Building Abatement Code which was adopted by the City in Sect. 47.051(1)(e), Clearwater Community Development Code.

After the property owner failed to bring the property into full compliance with code requirements, the City secured the property several times. However, the continued inaction of the property owner and certain actions of trespassers caused the structure to continue to deteriorate. The City was therefore forced to demolish the property for the safety of the public. The City has incurred \$27,444.24 in demolition costs and is entitled to a lien on the property in that amount under Chapter 7 of the Standard Unsafe Building Abatement Code.

Councilmember Hamilton moved to authorize the recording of a lien for a total cost of \$27,444.24 on the property located at 401 N. Garden Avenue, Clearwater, Florida, which has a legal description of the West ½ of Lot 11, Block 2, Hart's addition to Clearwater, according to the map or plat thereof as recorded in Plat Book 1, Page 94, of the Public Records of Hillsborough County, Florida of which Pinellas County was formerly a part and whose owner is JPAC, LLC. The motion was duly seconded and carried unanimously.

Resolution 19-07 was presented and read by title only. Councilmember Allbritton moved to adopt Resolution 19-07. The motion was duly seconded and upon roll call, the vote was:

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

- 11.6** Ratify and confirm Submerged Land Lease (SLL) between the State of Florida and the City of Clearwater for the shared docking facility adjacent to the Beach Recreation Center and authorize the appropriate officials to execute same.

This shared docking facility has been operating under a Temporary Use Agreement (TUA) from the State of Florida following an ownership discrepancy until a Submerged Land Lease could be secured. This SLL authorizes a forty-two slip commercial docking facility for the mooring of recreational vessels. Fifteen or 36% of these slips are open to the public free of charge on a first come basis. The remaining twenty-seven or 64% of the slips will be used by the Sandpearl Resort under a separate Docking Agreement between the City and Sandpearl Resort, LLC.

APPROPRIATION CODE AND AMOUNT:

Funds are available in non-departmental cost code 0107010-544300 (rentals-land), to fund this agreement. Offsetting revenues will be coded to General Fund reimbursement revenue code 010-369903.

Councilmember Polglaze moved to ratify and confirm Submerged Land Lease (SLL) between the State of Florida and the City of Clearwater for the shared docking facility adjacent to the Beach Recreation Center and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

The City Manager said he wanted to address the term flexibility as it relates to the Community Development Code. Staff uses flexibility within the written plan and code, however, staff does not make exceptions. Exceptions are made by Council.

12. City Attorney Reports – None.

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

Councilmember Polglaze said there has been private sector involvement; the private sector has ambition and needs to be good partners.

Vice Mayor Cundiff said he attended a lunch today that honored two law enforcement officers; one was CPD Officer Fredrick who loves to read to children.

Councilmember Allbritton said everyone had been looking forward to the Council trip to Nagano, Japan, however a recent typhoon cancelled the trip due to the devastating destruction.

Councilmember Hamilton said the typhoon that hit Nagano, Japan was the equivalent to a Category 4 or 5 hurricane and it will take them awhile to recover; he extended thoughts and prayers. He wished everyone a safe and enjoyable Jazz Holiday.

14. Closing Comments by Mayor

Mayor Cretelos reviewed recent and upcoming events.

15. Adjourn

The meeting adjourned at 8:09 p.m.

Attest

Mayor
City of Clearwater

City Clerk