

City of Clearwater

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



Meeting Minutes

Thursday, March 16, 2017

6:00 PM

Council Chambers

City Council

Roll Call

Present: 5 - Mayor George N. Cretekos, Vice Mayor Bill Jonson, Councilmember Doreen Caudell, Councilmember Bob Cundiff and Councilmember Hoyt Hamilton

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

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

Unapproved

1. Call to Order – Mayor Cretekos

The meeting was called to order at 6:00 pm at City Hall.

2. Invocation – Rev. Curtis Paige from Heritage United Methodist Church

3. Pledge of Allegiance – Councilmember Hamilton

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

- 4.1 Surveyors and Mappers Week Proclamation, March 19-25, 2017 - Tampa Bay Chapter of the Florida Surveying and Mapping Society

5. Approval of Minutes

- 5.1 Approve the minutes of the March 2, 2017 City Council Meeting as submitted in written summation by the City Clerk.

Vice Mayor Jonson moved to approve the minutes of the March 2, 2017 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

Tom Nocera thanked the Police Department for their assistance in retrieving his stolen tablet.

Bryan Schneider expressed concerns with the parking fee structure on the beach and the lack of response from Parking regarding his request for a residential parking waiver via the app. He encouraged the parking waiver application process be amended to be more convenient for residents.

Miguel Hall, Bob Scott, Marita Lynch and Fran Bradford expressed concerns with individual meetings the Church of Scientology requested with City Council that were not held in a public format.

Lisa Lanza requested that the City's Lobbyist Registration require individuals, whether they are paid or not, to register as a lobbyist if meeting with Council on a particular topic.

7. Consent Agenda – Approved as submitted.

- 7.1** Approve the purchase of Excess Property, Bridge, Boiler and Machinery, and Terrorism insurance coverages from AIG and Zurich, for the period April 1, 2017 through April 1, 2018, at the level of insurance provided for in this agenda item, at an amount not to exceed \$1,550,000; approve locking in the Excess Property Insurance rate of \$0.2388 per \$100 of values through April 1, 2020; approve a three-year rate-locked premium for the Bridge Insurance policy through 2020 totaling \$164,994; and authorize the Risk Manager to execute same. (consent)
- 7.2** Approve an increase to Blanket Purchase Order (BPO BR510769) from \$125,000 to \$250,000 annually, to Audio Service ASP Lighting, for roof/stage/audio/lighting systems for additional concerts in Coachman Park, and authorize the appropriate officials to execute same. (consent)
- 7.3** Approve an increase to Blanket Purchase Order (BPO BR511259) from \$75,000 to \$150,000 annually, to Elite Events and Rentals LLC, for equipment rental for additional concerts in Coachman Park, and authorize the appropriate officials to execute same. (consent)
- 7.4** Approve a proposal by Construction Manager at Risk, Khors Construction, Inc. of Thonotosassa, Florida in the amount of \$148,907.56, including a 10% contingency for the renovation of the Long Center Natatorium Lighting located at 1501 N. Belcher Road, and authorize the appropriate officials to execute same. (consent).
- 7.5** Approve a proposal by Construction Manager at Risk, Khors Construction, Inc. of Thonotosassa, Florida in the amount of \$564,095.08, including a 5% contingency for renovations of the Morningside Aquatics Center and Morningside Complex located at 2400 Harn Blvd., and authorize the appropriate officials to execute same. (consent)
- 7.6** Approve co-sponsorship and waiver of requested city fees and service charges for

Fiscal Year 2017/18 special events, including four annual city events and twenty-three city co-sponsored events, at an estimated General Fund cost of \$506,520 (\$84,750 cash contributions and \$421,770 in-kind contributions) and Enterprise Fund cost and fee waiver of \$96,450 for the purposes of Fiscal Year 2017/18 departmental budget submittals. (consent)

- 7.7** Approve the Second Amendment to Crown Castle Land Lease Agreement between the City of Clearwater and Crown Castle GT Company LLC, for the lease of city-owned property, located at 3200 State Road 580, and authorize the appropriate officials to execute same. (consent)
- 7.8** Approve an amendment to modify the description of use for an existing Sovereign Submerged Lands Easement, recorded in Official Records Book 17424, Page 1560 of the Public Records of Pinellas County, Florida and authorize the appropriate officials to execute same. (consent)
- 7.9** Award Invitation to Bid Number 01-17 to Pace Analytical Services LLC (Pace) in the annual amount of \$200,000.00 and Advanced Environmental Laboratory Inc. (AEL) in the annual amount of \$100,000.00 (primary and secondary vendors, respectively), for the purchase of the Laboratory Services, with the option for two, one-year term renewals and authorize the appropriate officials to execute same. (consent)
- 7.10** Approve a contract (purchase order) to DataRemote Inc. of Miami, FL in the annual amount of \$475,000, for GPS/RFID Technology Services for a five-year term, with a five-year renewal term at the City's discretion, and authorize the appropriate officials to execute same. (consent)
- 7.11** Authorize a purchase order (contract) to Harris Corporation of Lynchburg, VA, in the annual amount of \$280,000 for support and maintenance of the City of Clearwater Radio System, in accordance with the 20-year Maintenance Agreement approved by Council on June 20, 2002 and authorize the appropriate officials to execute same. (consent)
- 7.12** Approve License and Services Agreements to Tyler Technologies, Inc. of Yarmouth, ME, for an amount not to exceed \$2,094,449.00 for financial accounting software licensing, software maintenance, and professional services, and authorize the appropriate officials to execute same. (consent)

Councilmember Caudell 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** Approve the annexation of an unaddressed parcel located on the west side of McMullen Booth Road approximately 1,054 feet south of East Enterprise Road, together with abutting west half of right-of-way of McMullen Booth Road; and pass Ordinance 9000-17 on first reading. (ANX2016-07023)

This voluntary annexation petition involves one parcel of land totaling 4.522 acres. The parcel is currently vacant and is located on the west side of McMullen Booth Road approximately 1,054 feet south of East Enterprise Road. The applicant is requesting annexation in order to receive solid waste and water service from the City, and will be connected to city sewer once the property is developed. The property is contiguous to existing city boundaries along the south and west. The Development Review Committee is proposing that 0.573-acres of abutting McMullen Booth Road right-of-way also be annexed.

The applicant has also submitted applications to annex a 2-acre parcel adjacent to the north (ANX2016-07024), to change the property's Future Land Use Map designation of Residential Low (RL) to Residential Low Medium (RLM) (LUP2016-02002) and to rezone the property to the Medium Density Residential (MDR) District (City of Clearwater) (REZ2016-02002) upon annexation into the City of Clearwater.

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:

- Collection of solid waste, sanitary sewer and water service will be provided to the property by the City. The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to the property by Station 50 located at 2681 Countryside Boulevard. The City has adequate capacity to serve the property with water, 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 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 property proposed for annexation is contiguous to existing city boundaries along the south and west; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

Councilmember Cundiff moved to approve the annexation of an unaddressed parcel located on the west side of McMullen Booth Road approximately 1,054 feet south of East Enterprise Road, together with abutting west half of right-of-way of McMullen Booth Road. The motion was duly seconded and carried unanimously.

Ordinance 9000-17 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9000-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Jonson, Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

8.2 Terminate the Development Agreement between Ted and Maria Lenart, Trustees of Lenart Family Trust UTD December 20, 1991 (the property owner) and the City of Clearwater, which provided for the allocation of up to 69 units from the Hotel Density Reserve under Beach by Design, adopt Resolution 17-07 and authorize the appropriate officials to execute same. (HDA2013-08007)

No changes have been made to the Development Proposal presented at the March 2, 2017 council meeting.

On December 4, 2013, a Development Agreement was made effective between the property owner and the City of Clearwater which provided 69 units from the Hotel Density Reserve (HDA2013-08007/Resolution 13-31).

Section 6.1.3.2 of the Agreement provides that the Developer shall obtain appropriate site plan approvals pursuant to a Level One or Level Two development application, within three years from the effective date of this Agreement (Commencement Date) (December 4, 2016) in accordance with the provisions of the Code.

Finally, Section 10.1 of the Agreement provides that if the Developer's obligations set forth in this Agreement are not followed in a timely manner, as reasonably determined by the City Manager, after notice to the Developer and an opportunity to be heard, existing permits shall be administratively suspended and issuance of new permits suspended until the Developer has fulfilled its obligations. Failure to timely fulfill its obligations may serve as a basis for termination of this Agreement by the City, at the discretion of the City and after notice to the Developer and an opportunity for the Developer to be heard.

As of December 4, 2016, site plans have not been submitted to the City for review, let alone approved as required, above. Therefore, the terms of the Development Agreement have not been met by the Developer.

Pursuant to Section 13 of the Agreement, notices have been provided to:

1. Ted and Maria Lenart, Trustees of the Lenart Family Trust, u/ t/d/ December 20, 1991
8556 W. Winnemac, Noridge
Chicago, IL 60656
2. Katherine E. Cole, Esq.
Hill Ward Henderson
311 Park Place, Suite 240
Clearwater, FL 33759

Planning and Development Director Michael Delk said after speaking with the Applicant, staff does not believe the Applicant intends to maintain the DVA status.

Vice Mayor Jonson moved to terminate the Development Agreement between Ted and Maria Lenart, Trustees of Lenart Family Trust UTD December 20, 1991 (the property owner) and the City of Clearwater, which provided for the allocation of up to 69 units from the Hotel Density Reserve under Beach by Design. The motion was duly seconded and carried unanimously.

Resolution 17-07 was presented and read by title only. Councilmember Caudell moved to adopt Resolution 17-07. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Jonson, Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

8.3 Approve the annexation of 2425 McMullen Booth Road, together with abutting west half of right-of-way of McMullen Booth Road; and pass Ordinance 9001-17 on first reading. (ANX2016-07024)

This voluntary annexation petition involves one parcel of land totaling 2 acres. The parcel is currently occupied by a single family home and is located on the west side of McMullen Booth Road approximately 836 feet south of East Enterprise Road. The applicant is requesting annexation in order to receive solid waste and water service from the City, and will be connected to city sewer when the property is redeveloped. The property is contiguous to existing city boundaries along the south and west (see companion case ANX2016-07023). The Development Review Committee is proposing that 0.496-acres of abutting McMullen Booth Road right-of-way also be annexed.

The applicant has also submitted applications to change the property's Future Land Use Map designation of Residential Low (RL) to Residential Low Medium (RLM) (LUP2016-02002) and to rezone the property to the Medium Density Residential (MDR) District (City of Clearwater) (REZ2016-02002) upon annexation into the City of Clearwater.

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:

- Collection of solid waste, sanitary sewer and water service will be provided to the property by the City. The property is located within Police District III and service will be administered through the district headquarters located at 2851 N. McMullen Booth Road. Fire and emergency medical services will be provided to the property by Station 50 located at 2681 Countryside Boulevard. The City has adequate capacity to serve the property with water, 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 property proposed for annexation is contiguous to existing city boundaries along the south and west; therefore, the annexation is

consistent with Florida Statutes Chapter 171.044.

Councilmember Cundiff moved to approve the annexation of 2425 McMullen Booth Road, together with abutting west half of right-of-way of McMullen Booth Road. The motion was duly seconded and carried unanimously.

Ordinance 9001-17 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9001-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Jonson, Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

- 8.4** Approve a Future Land Use Map Amendment from the Residential Low (RL) category to the Residential Low Medium (RLM) category for 2425 McMullen Booth Road and an unaddressed parcel on McMullen Booth Road; and pass Ordinance 9002-17 on first reading. (LUP2016-02002)

This Future Land Use Map amendment involves two parcels of land totaling 6.522 acres located on the west side of McMullen Booth Road approximately 850 feet south of Enterprise Road East. One parcel is currently occupied by a single family residence, and the other parcel is currently vacant. The applicants are requesting to amend the properties' Future Land Use Map category of Residential Low (RL) to the Residential Low Medium (RLM) category, indicating the intention to redevelop the site as an assisted living facility; however, no plans have been submitted at this time. The applicants have submitted petitions for annexation for two parcels (ANX2016-07023 and ANX2016-07024) and a Zoning Atlas Amendment (REZ2016-02002) which are being processed concurrently with this case.

The proposed Residential Low Medium (RLM) category would permit development at a density of 10 dwelling units per acre, or a FAR of 0.50. The City's Community Development Code allows residential or residential equivalent uses within the proposed Medium Density Residential (MDR) zoning district. The Residential Low Medium (RLM) future land use category requested is consistent with the surrounding future land use categories that exist in the vicinity of the subject property. The proposed Residential Low Medium (RLM) future land use category will allow the site to develop with residential uses at a higher density, providing a transition from the lower density residential properties to the south and west to the commercial properties to the north of the subject site at the Enterprise Road East intersection.

The Planning and Development Department determined that the proposed Future Land Use Map amendment is consistent with the provisions of Clearwater Community Development Code as specified below:

- The proposed amendment is consistent with the Comprehensive Plan and the Countywide Plan Rules.
- The proposed amendment is compatible with the surrounding property and character of the neighborhood.
- Sufficient public facilities are available to serve the property.
- The proposed amendment will not have an adverse impact on the natural environment.
- The proposed amendment will not have an adverse impact on the use of property in the immediate area.

The Countywide Plan Map designation for the properties, as well as for the adjacent residential neighborhoods, is Residential Low Medium (RLM), and will remain so designated following this land use plan amendment. Therefore, in accordance with the Countywide Plan Rules, this land use plan amendment must be submitted to Forward Pinellas staff for administrative review and is subject to acceptance by Forward Pinellas, in its role as the Pinellas Planning Council. The application is a small-scale amendment so review and approval by the Florida Department of Economic Opportunity (Division of Community Planning) is not required.

The Community Development Board reviewed this application at its February 21, 2017 public hearing and unanimously recommended approval.

In response to questions, Planner Kyle Brotherton said the current Pinellas County future land use designation is Residential Low (RL), which is five dwelling units per acre. The proposed future land use is ten units per acre. The development agreement is being continued. The property immediately to the north is unincorporated and zoned RL and the property to the west is RL. Mr. Brotherton said the property immediately to the south is zoned Residential Urban (RU), which is 7.5 units per acre. The land use for the shopping center to the north is zoned Residential Office Retail (ROR).

Applicant Claire Clements reviewed the request and said during the past year she has met with the neighborhoods and staff and filed an altered plan. She is now seeking a land use designation that is less intense than the surrounding Office designation. The countywide land use designation is RLM, which is the equivalent designation being requested today. If approved, the property will be in compliance with the countywide rules. There is a county stormwater pond in between the subject property and the ROR site.

In response to questions, Ms. Clements said she is trying to address the main issues raised by the neighbors last year in the altered plan. The letters of support show the big issues raised by the neighbors and her commitment to address the concerns in the flexible development

application process (i.e., 30-ft. setbacks, one-story product, building height, etc.). Planning and Development Director Michael Delk said the Applicant has not submitted a site plan; staff understands that the Applicant is expressing her intent to provide increased setbacks. The development agreement may remain an option for those areas that exceed minimum code requirements; another option would be to place conditions for the development order after a Level 2 approval. Mr. Delk said in the latter option, any amendments to the conditions in the development order would require a noticed public hearing of the Community Development Board.

It was stated that the development agreement is not being considered at this meeting.

Two individuals expressed concerns with the proposal negatively impacting traffic.

In response to a concern, Mr. Delk said notice of the Community Development Board meeting was provided pursuant to law. The City Clerk said notice was provided to property owners within a 250-ft. radius of the subject property.

One individual suggested that the Applicant consider incorporating the neighbors' comments into the plan and expressed concerns that the proposal may negatively impact property values and quality of life.

Ms. Clements said the development agreement request was continued because staff told her that the flexible development review process needed to occur first; the site plans, landscaping plans and elevations will be submitted as part of that process. Regarding traffic, Robert Pergolizzi, Gulfcoast Engineering, submitted a traffic study report for the original plan that showed 53 cars during peak hours; with the altered plan, the study showed 42 cars during evening peak hours. The countywide RLM land use has compensated for future traffic coming off the subject site onto McMullen Booth Road. Compared to residential, office or commercial, assisted living facilities are the lowest traffic generators. The proposal addresses the housing needs of elderly residents who do not want to move out of the neighborhood. Ms. Clements said the revised plan will not access the adjacent residential development; in addition to the 30-ft. setback, a wall is being constructed.

In response to a question, Mr. Brotherton said the original Community Development Board meeting was scheduled for January 17, 2017 and continued to February 21, 2017. The City Clerk said if the hearing is continued to a date certain within 45 days, a notice is not reissued. The City Attorney said city code provides that since notice was given for the first meeting and notice of the continued date was provided at that meeting, re-noticing is not required; the Council follows the same process regarding public hearing items that are continued to a date certain within a

45-day period.

It was stated that it would be preferred to have the development agreement in process before moving forward with the future land use. A concern was expressed that the proposal is requesting an increase from 5 to 10 units per acre.

**Vice Mayor Jonson moved to deny Item 8.4.
The motion failed for lack of a second.**

Discussion ensued with comments made that the existing land use was established when the McMullen Booth Road was a 2-lane road and that growth and development in the area has occurred over time. It was stated that the proposal must still be reviewed by Forward Pinellas for acceptance.

Councilmember Caudell moved to approve a Future Land Use Map Amendment from the Residential Low (RL) category to the Residential Low Medium (RLM) category for 2425 McMullen Booth Road and an unaddressed parcel on McMullen Booth Road. The motion was duly seconded and carried with the following vote:

Ayes: 4 - Mayor Cretekos, Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

Nays: 1 - Vice Mayor Jonson

Motion carried.

Ordinance 9002-17 was presented and read by title only.

Councilmember Cundiff moved to pass Ordinance 9002-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretekos, Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

Nays: 1 - Vice Mayor Jonson

Motion carried.

- 8.5** Continue to a date uncertain: Deny a Development Agreement between HR Tampa Bay, LLC (the developer) and the City of Clearwater for property located at 2425 and unaddressed McMullen Booth Road; and reject Resolution 17-08. (DVA2016-09001)

At their February 21, 2017 meeting, the Community Development Board continued the public hearing of this item to March 21, 2017.

Planning and Development Director Michael Delk said the Applicant has

not provided anything beyond what is required by code. Staff recommends continuing Item 8.5 pending the Applicant's determination on how to move forward.

In response to a question, the City Clerk said if the Applicant resubmits the development agreement application, public hearing notices will be reissued and re-advertised to property owners within a 250 ft. radius of the subject site.

Councilmember Hamilton moved to continue Item 8.5 to a date uncertain. The motion was duly seconded and carried unanimously.

9. Quasi-Judicial Public Hearings

- 9.1** Approve a Zoning Atlas Amendment from the A-E Agricultural Estate Residential District (Pinellas County) to the Medium Density Residential (MDR) District (City) for 2425 McMullen Booth Road and an unaddressed parcel on McMullen Booth Road; and pass Ordinance 9003-17 on first reading. (REZ2016-02002)

This Zoning Atlas amendment involves two parcels of land totaling 6.522 acres located on the west side of McMullen Booth Road approximately 850 feet south of Enterprise Road East. One parcel is currently occupied by a single family residence, and the other parcel is currently vacant. The applicants are requesting to rezone the properties from A-E Agricultural Estate Residential District (Pinellas County) to the Medium Density Residential (MDR) District (City), indicating the intention to redevelop the site as an assisted living facility; however, no plans have been submitted at this time. The applicants have submitted petitions for annexation for two parcels (ANX2016-07023 and ANX2016-07024) and a Future Land Use Map amendment (LUP2016-02002) which are being processed concurrently with this case.

The proposed Medium Density Residential (MDR) District will allow the site to be redeveloped with residential or residential equivalent uses, including an assisted living facility use. The Medium Density Residential (MDR) zoning district is consistent with the surrounding residential zoning districts that exist in the vicinity of the subject property. There is an existing pattern of residential and residential equivalent uses along McMullen Booth Road, which is designated as a Scenic/Noncommercial Corridor on the *Countywide Scenic/Noncommercial Corridor Map*. As such, the proposed amendment will allow development that is in character with the surrounding properties and neighborhood.

The Planning and Development Department determined that the proposed Zoning Atlas amendment is consistent with the Clearwater Community Development Code as specified below:

- The proposed amendment is consistent with the Comprehensive Plan and the Community Development Code.
- The proposed amendment is compatible with the surrounding property and character of the neighborhood.
- The available uses in the Medium Density Residential (MDR) District are compatible with the surrounding area.
- The proposed amendment will not adversely burden public facilities, including the traffic-carrying capacities of streets, in an unreasonably or disproportionate manner; and
- The proposed Medium Density Residential (MDR) District boundary is appropriately drawn in regard to location and classification of streets, ownership lines, existing improvements, and the natural environment.

The Community Development Board reviewed this application at its February 21, 2017 public hearing and unanimously recommended approval.

In response to questions, Planning and Development Director Michael Delk said Medium Density Residential (MDR) is consistent with the RLM land use.

Applicant Claire Clements reviewed the request and said the MDR designation is compatible with the RLM designation. The MDR designation is being requested because it allows for an assisted living facility use as a flexible development use. The subject site is surrounded by office zoning; MDR is less intense than office use.

One individual expressed concerns with increased traffic and impact it will have on residents accessing and exiting their neighborhoods.

One individual questioned if neighborhood associations receive notice of upcoming hearings.

The City Clerk said notice of the public hearing is provided to area neighborhood associations.

In response to questions, Mr. Brotherton said Oak Brook Circle residents have access to Landmark Dr. and must use Enterprise Road to access McMullen Booth Road. Planning and Development Director Michael Delk said there is no access through the subject site to the Shady Oaks neighborhood.

Applicant Claire Clements said the proposed project does not cut through the Shady Oaks neighborhood.

Vice Mayor Jonson moved to approve a Zoning Atlas Amendment

from the A-E Agricultural Estate Residential District (Pinellas County) to the Medium Density Residential (MDR) District (City) for 2425 McMullen Booth Road and an unaddressed parcel on McMullen Booth Road. The motion was duly seconded and carried unanimously.

Ordinance 9003-17 was presented and read by title only. Councilmember Caudell moved to pass Ordinance 9003-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Jonson, Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

10. City Manager Reports

10.1 Amend the City's fiscal year 2016/17 Operating and Capital Improvement Budgets at first quarter and pass Ordinances 9015-17 and 9016-17 on first reading.

The fiscal year 2016/17 Operating and Capital Improvement Budgets were adopted in September 2016 by Ordinances 8946-16 and 8947-16. Section 2.521 of the City's Code of Ordinances requires the City Manager to prepare a quarterly report detailing income, expenditure estimates, collections, the explanation of significant variances, as well as the financial status of all capital improvement projects.

Councilmember Cundiff moved to amend the City's fiscal year 2016/17 Operating and Capital Improvement Budgets at first quarter. The motion was duly seconded and carried unanimously.

Ordinance 9015-17 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9015-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Jonson, Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

Ordinance 9016-17 was presented and read by title only. Vice Mayor Jonson moved to pass Ordinance 9016-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Jonson, Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

10.2 Establish the intent to reimburse certain Water and Sewer project costs incurred with

proceeds from a future tax-exempt financing and adopt Resolution 17-10.

A Water and Sewer System rate study that was completed in July of 2016 anticipated the need to do a new money bond issue in 2018 to finance the various Water and Sewer System capital projects planned at the time of the rate study.

Approximately \$78,000,000 of the planned Fiscal Year 2017 and Fiscal Year 2018 projects (Exhibit A) will be financed with the tax-exempt bonds to be issued in Fiscal Year 2018.

Adoption of Resolution 17-10 establishes the City's intent to be reimbursed from the proceeds of a bond issue in 2018 for up to \$78,000,000 of capital project expenditures made prior to the issuance of the bonds.

Councilmember Caudell moved to establish the intent to reimburse certain Water and Sewer project costs incurred with proceeds from a future tax-exempt financing. The motion was duly seconded and carried unanimously.

Resolution 17-10 was presented and read by title only. Councilmember Cundiff moved to adopt Resolution 17-10. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Jonson, Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

10.3 Ratify and confirm the City Manager's approval to provide additional funding in the amount of \$107,750 to complete the Missouri Avenue Landscape Median project, to be funded by the transfer of \$107,750 from general fund reserves at mid-year.

The City Council approved a Fiscal Year 14-15 third quarter budget amendment allocating General Fund reserves in the amount of \$190,000 to fund a Capital Improvement Project 315-93322, Missouri Avenue Median Beautification.

On April 7, 2016, the City Council approved two separate Florida Department of Transportation grants in the amount of \$100,000 and \$99,500 to assist in the development of landscaping medians in the Missouri Avenue corridor from Court Street to Bayview Drive.

On December 15, 2016, the City Council awarded two contracts to Smith Landscape Services, Inc. of Brooksville, Florida, to provide landscape improvements for Missouri Avenue medians from Bayview Drive to Kingsley Street for a cost of \$152,454.50 and from Kingsley Street north to Court Street

for a cost of \$177,309.00.

Smith Landscape Services began excavating material from the medians as called for in the project and soon discovered that road base material was left under all of the medians and not removed when the medians were first installed.

In order for the landscape material to survive, an additional 13 inches of road sub base material must be removed and new soil installed. The cost to do this additional work is \$107,750.

In order to stay on schedule and complete the project as soon as possible the City Manager approved providing the additional funds from general fund reserves at mid-year. Staff is working with FDOT in an attempt to secure additional funds for this project to help offset a portion or all of this additional work.

APPROPRIATION CODE AND AMOUNT:

A mid-year budget amendment will provide a transfer of \$107,750 from General Fund reserves to capital improvement project 315-93322, Missouri Avenue Median Beautification, to fund this increase.

USE OF RESERVE FUNDS:

Funding for this contract will be provided by a mid-year budget amendment allocating General Fund reserves in the amount of \$107,750 to capital improvement project 93322, Missouri Avenue Median Beautification. Inclusive of this item if approved, a net total of \$2,345,031 of General Fund reserves has been appropriated by Council to fund expenditures in the 2016/17 operating budget. The remaining balance in General Fund reserves is approximately \$30.9 million, or 23.5% of the current General Fund operating budget.

Councilmember Hamilton moved to ratify and confirm the City Manager's approval to provide additional funding in the amount of \$107,750 to complete the Missouri Avenue Landscape Median project, to be funded by the transfer of \$107,750 from general fund reserves at mid-year. The motion was duly seconded and carried unanimously.

- 10.4** Ratify and confirm Change Order 2 and Final to Dallas 1 Construction and Development of Thonotosassa, Florida in the amount of \$9,450.00 for CR 193, Grove Circle and Belcher Area Sanitary Sewer Systems (13-0049-UT) and authorize the appropriate officials to execute same.

May 21, 2015, City Council awarded a \$3,048,809.50 contract to Dallas 1 Construction and Development for the CR 193, Grove Circle and Belcher Area

Sanitary Sewer Systems (13-0049-UT).

October 6, 2016, City Manager approved Administrative Change Order 1, reducing the contract by \$731,031.20 for a new contract total of \$2,317,778.30 to reflect actual quantities used in the field.

Change Order 2 and Final provides for new sanitary sewer connections at Idlewild / The Mall, an area outside the original scope of the project requiring City Council approval. These connections needed to be installed quickly as part of the septic sewer project to avoid damage from potential sewage backup. Change order increase is \$9,450 for a new contract value of \$2,327,228.30.

APPROPRIATION CODE AND AMOUNT:

0315-96630-563800-535-000-0000 \$9,450

Funding is available in Capital Improvement Project 0315-96630, Sanitary Sewer Extension to fund the change order.

Vice Mayor Jonson moved to ratify and confirm Change Order 2 and Final to Dallas 1 Construction and Development of Thonotosassa, Florida in the amount of \$9,450.00 for CR 193, Grove Circle and Belcher Area Sanitary Sewer Systems (13-0049-UT) and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

10.5 Adopt Imagine Clearwater Waterfront/Bluff Master Plan, direct the City Manager to incorporate Imagine Clearwater into the Clearwater Downtown Redevelopment Plan, proceed with a development of a systematic plan and approach to implementation and adopt Resolution 17-13.

Pursuant to the scope of services for HR&A, Sasaki, Kimley-Horn, and B2 Communication, a final draft Imagine Clearwater, Waterfront/Bluff master plan has been provided and accepted. It must now be determined when and how the final plan is to be implemented. For that purpose, staff would recommend the following for City Council consideration.

The creation of a master plan for the downtown waterfront area was identified as a priority project by the Urban Land Institute (ULI) Advisory Services Panel during their study of Downtown Clearwater in June, 2014. Over the course of six months, the City engaged hundreds of Clearwater residents, business owners and other stakeholders who shared their broad visions and specific design and programming ideas for their future waterfront. In addition, the

City's consultant team conducted over 40 interviews with local stakeholders, including developers, real estate brokers, small business owners, and Downtown property owner. A group of 18 Clearwater residents active in resident affairs, the local business community, local institutions and community organizations served as a stakeholder committee to provide a sounding board and reflection on the publicly generated plan.

Four key strategies underpin the recommendation of *Imagine Clearwater*: the waterfront must be anchored by a dynamic new open space; Coachman Park needs an active edge; an improved Osceola should complement Cleveland Street; and access to the site should incorporate all modes. Also, an Action Plan provides a series of strategic implementation recommendations to serve as a starting point for the City and its partners to refine and advance. It is possible that the plan can be accomplished with community support by way of three referendums to provide for various approvals needed for public use and park activation with active edge mixed uses and development opportunities. Also, a special act of the legislature is needed to accommodate the performance area green, final pavilion location, and activities, which are proposed as part of the reconfiguration and expansion of Coachman Park. In the short term, various programming, as well as design and implementation for various improvements previously authorized by the public through successful referendums may occur.

For these and other reasons, it is recommended that City Council adopt the proposed resolution authorizing and directing the administration to proceed with development of a specific implementation plan.

In response to questions, Planning and Development Director Michael Delk said not every component of Imagine Clearwater needs to be fully incorporated into the CRA plan; those items that are CRA funded must be incorporated into the plan. The rewrite of design is occurring as part of the reorganization of the plan. Public outreach included 40 individual interviews with key stakeholders, 7 interactive community workshops, and community stakeholder meetings. Mr. Delk said that a diverse group of active citizens was engaged in the development of Imagine Clearwater.

One individual questioned if Imagine Clearwater included aerial transit.

Mr. Delk said Imagine Clearwater did not incorporate aerial transit infrastructure.

One individual expressed concern that there was no recruitment or public application for the community stakeholders group and supported future programming at Coachman Park that was free to the public and alcohol free.

One individual spoke in support.

One individual questioned if the names of the individuals who served on the community stakeholders group were available.

Mr. Delk said the list of names is available in Planning and Development and staff could provide that information.

In response to questions, Mr. Delk said the consultants provided an overview of the public input/comments received at two public meetings. Staff posted online the work output provided by the consultant as received. Mr. Delk said public comment was received via the website and at public meetings. The consultant found the four key strategies to be common themes that residents commented on and should drive the thinking behind how to implement Imagine Clearwater.

One individual expressed concern with the proposed cost to implement Imagine Clearwater, opposed providing downtown retail control to the Church of Scientology (Church) and expressed concerns with recent meetings held with Church representatives that were not in the Sunshine.

Councilmember Caudell moved to adopt Imagine Clearwater Waterfront/Bluff Master Plan, direct the City Manager to incorporate Imagine Clearwater into the Clearwater Downtown Redevelopment Plan, proceed with a development of a systematic plan and approach to implementation. The motion was duly seconded and carried unanimously.

Resolution 17-13 was presented and read by title only.

Vice Mayor Jonson moved to amend Section 1 to read as follows, "The City Council affirms its approval of *Imagine Clearwater A Community Vision for the Downtown Clearwater Waterfront* and directs the City Manager to proceed with plan implementation and integrate the required plan elements into the Clearwater Downtown Redevelopment Plan and ~~proceed with plan implementation.~~" The motion was duly seconded.

In response to questions, Mr. Delk said staff would not anticipate placing the entire Imagine Clearwater document into the redevelopment plan but only those that are appropriate for CRA implementation.

One individual questioned if a nonprofit will be obtained to manage the activities in the park.

It was stated there are numerous council meetings to be held regarding

the recommendations presented in Imagine Clearwater and those recommendations that will be part of the plan implementation.

Upon the vote being taken, the motion carried with the following vote:

Ayes: 4 - Mayor Cretekos, Vice Mayor Jonson, Councilmember Cundiff and Councilmember Hamilton

Nays: 1 - Councilmember Caudell

Motion Carried.

Councilmember Cundiff moved to adopt Resolution 17-13 as amended.

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

Ayes: 5 - Mayor Cretekos, Vice Mayor Jonson, Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

10.6 Continue to April 20, 2017: Approve a Contract for Purchase of Real Property with the Clearwater Marine Aquarium for 301 Pierce Street in the amount of \$4,250,000.00 and total expenditures not to exceed \$4,265,000; approve a lease agreement for the same real property to the Clearwater Marine Aquarium commencing March 2017; and authorize the appropriate officials to execute all documents necessary to complete the transactions.

The Clearwater Marine Aquarium (CMA) currently owns the property at 301 Pierce Street, which it purchased in anticipation of building a new facility on that property and the property currently occupied by City Hall.

CMA ultimately decided to make improvements on its current facility at 249 Windward Passage instead of constructing a new facility.

The property is located atop the Clearwater bluff and is vacant with a total land area of 60,325 square feet (1.38 acres). The City currently owns the adjacent land to the west fronting Clearwater Harbor. This acquisition will result in a contiguous city-owned tract of 91,705 square feet (2.1 acres). If acquired, the City will own all property fronting the north and south sides of Pierce Street between Osceola Avenue and the waterfront. This is a unique opportunity as this property is the only significant, developable land along the bluff that is available for purchase.

The Imagine Clearwater Master Plan identifies this property as one that the City should ensure contributes to Downtown activation by incorporating uses that attract residents and visitors to the area, as well as supporting the long-term growth of the Downtown tax-base, including critical funds to support CRA activities and potentially park operations.

The City would now like to purchase the property to facilitate redevelopment of downtown. CMA would like to lease the parking lot section of the property back for \$1.00 per month, commencing upon closing, which is anticipated to be no later than March 31, 2017, on a month to month basis to use as a parking facility during the construction of its improvements at its current facility, specifically the Parking Garage as approved by the Community Development Board on January 19, 2016.

Two independent appraisals were performed on the property. James Millspaugh and Associates, Inc. valued the property at \$4,365,000 with a valuation date of March 23, 2015. Hupp Realty Advisors, Inc. valued the property at \$2,910,000 with a valuation date of April 2, 2015. The appraisals are being updated and current figures will be available by March 16, 2017 and will be presented at that Council meeting.

Acquisition Costs:

Purchase Price	\$4,250,000
Closing Costs	\$15,000
TOTAL	\$4,265,000

APPROPRIATION CODE AND AMOUNT:

A mid-year budget amendment will increase cost code 010-07000-560100 (Land Purchase City Use) by \$4,265,000 to be funded with an allocation of General Fund reserves.

USE OF RESERVE FUNDS:

Funding will be provided by a mid-year budget amendment allocating General Fund reserves in the amount of \$4,265,000 to fund this land purchase. Inclusive of this item if approved, a net total of \$6,610,031 of General Fund reserves has been appropriated by Council to fund expenditures in the 2016/17 operating budget. The remaining balance in General Fund reserves is approximately \$26.6 million, or 20.2% of the current General Fund operating budget.

The City Attorney said the City received the proposed contract on March 1, 2017 and Council directed staff to bring it forward as quickly as possible. The item was brought forward to be scheduled for tonight's meeting. Florida Statute 166.045 requires a 30-day notice of the meeting at which the contract will be discussed because the statutory exemption from public records was instituted during the time the contract was being considered previously.

One individual questioned if the property would be purchased for aerial transit.

One individual expressed concerns with the Church of Scientology.

Two individuals spoke in support and recommended that the process be transparent.

One individual questioned why the agenda item was continued to April 20.

The City Attorney said staff received a public records request regarding this agenda item and realized that Florida Statute 166.045 was exercised. She did not recall that the provision was used and recommended to Council to provide the required 30-day notice at this meeting.

One individual said one cannot see the ocean from the subject site because of the Memorial Causeway Bridge.

One individual spoke in support and questioned if the property would be leased to the Clearwater Marine Aquarium.

The City Attorney said the City will lease the property to the CMA for a period of time, with six months notice to terminate. The CMA will continue to use the site for parking while they complete their construction on Island Estates.

Discussion ensued with comments made that the recent meetings with the Church of Scientology was to gather information on retail strategies, any council decision would be made in the public, both sides must be willing to communicate if a potential partnership is intended, councilmembers represent all Clearwater residents, and that 10-12% of the City's electorate are Scientologists and should not be excluded because one does not agree with the religion.

Councilmember Hamilton moved to continue Item 10.6 to April 20, 2017. The motion was duly seconded and carried unanimously.

11. City Attorney Reports – None.

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

Councilmember Caudell said there are a lot of things going on in Clearwater and in Pinellas County and encouraged all to get involved; Council needs to hear from the citizens so the city can know what direction people want to go in. She encouraged all to be engaged and help develop this beautiful city.

Vice Mayor Jonson said the Florida legislature is in session now and they are considering several things right now that may reduce the City's ability to respond to the citizens, for instance, eliminating Community Redevelopment Agencies, City's ability to regulate roadside wireless transponder that may be on private property, as well as prohibit the City's ability to limit short term rentals in residential communities. He said former Commissioner Col. Richard Fitzgerald, who passed away a couple weeks ago, was one of the prime movers between the Countryside Recreation Center and the Countryside Library. While serving on the Mayor's Council, he was tasked with developing a countywide sign code, which has contributed to the beauty of Pinellas County.

Councilmember Cundiff said the 400th home by Habitat for Humanity will be dedicated next week. The Clearwater chapter of the Son's of the American Revolution will be donating an outdoor wall-attached flag for every home dedicated. He said because of the First Amendment, American's enjoy the right to free speech and freedom of religion.

13. Closing Comments by Mayor

Mayor Cretokos reviewed recent and upcoming events.

14. Adjourn

The meeting adjourned at 8:37 p.m.

Attest

Mayor
City of Clearwater

City Clerk