

City of Clearwater

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



Meeting Minutes

Thursday, December 3, 2015

6:00 PM

Council Chambers

City Council

Roll Call

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

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

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

Unapproved

1. Call to Order – Mayor Cretekos

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

2. Invocation – Rev. Eric Eichinger from Bethel Lutheran Church

3. Pledge of Allegiance – Councilmember Bill Jonson

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 National Believe Day Proclamation, December 11, 2015 - Cheyanne Shuman, Largo High School ExCEL Magnet Program

4.2 Pinellas Trail 25th Anniversary Proclamation, December 5, 2015 - Scott Daniels, President Pinellas Trail, Inc.

4.3 Festival of Trees Presentation - Madison Orr Hauenstein, Executive Director, The Arc

Ms. Hauenstein reviewed program accomplishment for 2015 and thanked Council and staff for their continued support and efforts.

4.4 Turkey Trot Presentation - Skip Rogers, West Florida Runners Club Race Producer

Mr. Rogers reviewed event details, thanked the City for its continued

partnership, and provided Councilmembers with a commemorative mug.

4.5 Volunteer Check Presentation - Natalie Lamb, Volunteer Coordinator

Ms. Lamb presented the City with a symbolic check for \$972,523.00, which is the dollar the value of volunteer work provided to the City, which exceeded 42,000 hours.

4.6 Annual Tourism Presentation

Imagine Global President Gabriele Sappok presented a PowerPoint presentation reviewing Imagine's 2015 tourism marketing and public relations activities for Clearwater.

In response to questions, Ms. Sappok said the City's App was shut down because it was costly to keep current. The firm is considering potential applications that can be designed with several interactive requirements and are less costly. Economic Development and Housing Director Geri Campos Lopez said staff looked at how the App was being used and determined it was not working for Clearwater users; most individuals use mobile devices to access destination related sites when traveling. There is a need for a website that is responsive to mobile devices, which allows content to be updated once; the App requires several updates. Ms. Sappok said the mobile website received more of a response than the App. Public Communications Director Joelle Castelli said individuals had difficulty finding the City App. Ms. Campos said individuals need a reason to use an App; the City's App only provides information. Most individuals use Yelp or other Apps to locate restaurants.

The City Manager said staff determined the City App was not feasible to continue but if there is a desire to continue the City App, staff will need to invest more resources. If Visit St. Petersburg Clearwater is developing an App, staff would prefer to see how that App is working.

In response to a concern, Ms. Sappok said despite recent staffing changes, the City's team remains intact and understand Clearwater's needs.

5. Approval of Minutes

- 5.1 Approve the minutes of the November 18, 2015 City Council Meeting Minutes as submitted in written summation by the City Clerk.

Councilmember Jonson moved to approve the minutes of the November 18, 2015 City Council Meeting Minutes as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

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

Karena Morrison said Mothers of Minors (MOM) recently toured Kimberly Home and donated over 70 cans of infant formula and encouraged all to visit MOM's website to view Christmas Wish List items for local children.

7. Consent Agenda – Approved as submitted.

- 7.1 Authorize a not to exceed amount of \$600,000 to pay Gallagher Bassett Services, Inc. for workers' compensation claims due and payable for the period of December 2015 through December 2018, and authorize the appropriate officials to execute same. (consent)
- 7.2 Approve legal services agreements between Banker, Lopez, Gassler P.A. and the City of Clearwater, and Pallo, Marks, Hernandez, Gechigian and DeMay, P.A. and the City of Clearwater for legal services relating to workers' compensation claims; authorize payments to said firms in an amount not to exceed \$750,000 for the period of January 1, 2016 through December 31, 2020; and authorize the appropriate officials to execute same. (consent)
- 7.3 Declare list of vehicles and equipment surplus to the needs of the City and authorize disposal through sale to the highest bidder at auction; declare miscellaneous furniture and fixtures surplus to the needs of the City for disposition via a citywide surplus sale; and authorize the appropriate officials to execute same. (consent)
- 7.4 Approve a proposal by Construction Manager at Risk Certus Builders of Tampa, Florida, in the amount of \$124,908.02 for the renovation and construction of Phase I restroom expansion at Barefoot Beach House located on south beach at 332 S. Gulfview Boulevard and authorize the appropriate officials to execute same. (consent)
- 7.5 Approve a purchase order (contract) for the construction of scoreboards and decorative signs at Carpenter Complex and Jack Russell Stadium to Omega Sign Service Corporation of Odessa Florida in the amount of \$163,225 (Invitation to Bid 01-16) and authorize the appropriate officials to execute same. (consent)
- 7.6 Approve renewal of the agreement with Religious Community Services, Inc. (RCS) for

provision of contractual victim advocacy services in an amount not to exceed \$15,000 for the period commencing January 1, 2016 through December 31, 2016 and authorize the appropriate officials to execute same. (consent)

- 7.7** Award a construction contract to Steve's Excavating and Paving, Inc. of Clearwater, Florida, in the amount of \$2,825,423.59 for construction of Druid Road/Allen's Creek Stormwater Improvements Project (11-0044-EN), which is the lowest responsible bid received in accordance with plans and specifications; approve a Cooperative Funding agreement between Southwest Florida Water Management District (SWFWMD) and the City of Clearwater in the amount of \$88,000 and authorize the appropriate officials to execute same. (consent)
- 7.8** Approve an Amendment of Cooperative Funding Agreement with Southwest Florida Water Management District (SWFWMD) and the City of Clearwater for the Resident Initiated Reclaimed Water 2014 project (13-0052-UT) and authorize the appropriate officials to execute same. (consent)
- 7.9** Approve the conveyance of a Distribution Easement to Duke Energy for the installation and maintenance of electrical facilities at the Clearwater Beach Marina Building located at 45 Causeway Boulevard and authorize the appropriate officials to execute same. (consent)
- 7.10** Approve the Contract for Sale of Real Property by the City of Clearwater (Contract) with First Baptist Church of Clearwater, Inc. for the sale of city-owned property formerly used as a portion of Cherry Lane, a city right-of-way; and authorize the appropriate officials to execute same, together with all other instruments required to affect closing. (consent)
- 7.11** Approve establishing a new Capital Improvement Project entitled Solid Waste CNG Station for \$150,000 to analyze the feasibility of adding an alternative site for fueling compressed natural gas vehicles at Solid Waste, and authorize the appropriate officials to execute same. (consent).
- 7.12** Award a contract (purchase order) to JAM 5:20 Inc. of Largo, Florida, in the amount of \$112,215 for the installation of new flooring, wall tile, partitions, counter tops and interior painting within the Clearwater Beach Recreation Center (CBRC), per Bid 02-16, and authorize the appropriate officials to execute same. (consent)
- 7.13** Award a contract (purchase order) to Garland/DBS, Inc., in the amount of \$149,875.00 for the roof restoration on the Municipal Services Building Roof, per proposal 25-FL-150609, in accordance with Sec. 2.564(1)(d), Code of Ordinances - Other governmental contracts; and authorize the appropriate officials to execute same. (consent)

Councilmember Hock-DiPolito moved to approve the Consent

Agenda as submitted and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

- 8.1** Approve the recommended Penny for Pinellas project list, as revised for Fiscal Years 2015/16 through 2019/20.

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

Changes to Penny for Pinellas projects that meet this criteria:

Police Range Improvements - This project provides for the Range Improvements that are currently needed to address the wear and tear that has occurred over the years at the shooting range. The project will provide a state of the art baffling and bullet containment system. The baffling system provides ballistic protection that addresses the most critical safety concerns of ensuring projectiles are restricted from inadvertently leaving the firing range, as well as providing sound mitigation properties. The bullet containment system is designed to capture all bullets fired and allows for the removal and disposal of collected lead and other debris without causing environmental damage and while remaining in compliance without violating city, county, state and federal regulations.

This project is currently funded with \$1,700,000 of Penny for Pinellas funds. Final budget proposal for this plan necessitates an increase of \$700,000 to bring the total Penny for Pinellas funding to \$2,400,000 for this project for capital construction.

Vice Mayor Polglaze moved to approve the recommended Penny for Pinellas project list, as revised for Fiscal Years 2015/16 through 2019/20. The motion was duly seconded and carried unanimously.

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 8777-15 on second reading, annexing certain real property whose post office address is a portion of 2990 Gulf to Bay Boulevard, together with certain right-of-way of Bayview Avenue, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 8777-15 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 8777-15 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.2** Adopt Ordinance 8778-15 on second reading, amending the future land use plan element of the Comprehensive Plan to designate the land use for certain real property whose post office address is a portion of 2990 Gulf to Bay Boulevard, upon annexation into the City of Clearwater, as Commercial General (CG).

Ordinance 8778-15 was presented and read by title only. Councilmember Jonson moved to adopt Ordinance 8778-15 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.3** Adopt Ordinance 8779-15 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is a portion of 2990 Gulf to Bay Boulevard, upon annexation into the City of Clearwater, as Commercial (C).

Ordinance 8779-15 was presented and read by title only. Councilmember Hock-DiPolito moved to adopt Ordinance 8779-15 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.4** Adopt Ordinance 8780-15 on second reading, annexing certain real property whose post office address is 1478 Grove Circle Court, Clearwater, Florida 33755, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 8780-15 was presented and read by title only. Vice Mayor Polglaze moved to adopt Ordinance 8780-15 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.5** Adopt Ordinance 8781-15 on second reading, amending the future land use plan element of the Comprehensive Plan to designate the land use for certain real property whose post office address is 1478 Grove Circle Court, Clearwater, Florida 33755, upon annexation into the City of Clearwater, as Residential Low (RL).

Ordinance 8781-15 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 8781-15 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.6** Adopt Ordinance 8782-15 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 1478 Grove Circle Court, Clearwater, Florida 33755, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 8782-15 was presented and read by title only. Councilmember Jonson moved to adopt Ordinance 8782-15 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.7** Adopt Ordinance 8783-15 on second reading, annexing certain real properties whose post office addresses are 2100, 2106, 2148, and 2149 Bell Cheer Drive and 2112 Burnice Drive, all in Clearwater, Florida 33764, together with certain right-of-way of Bell Cheer Drive, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 8783-15 was presented and read by title only. Councilmember Hock-DiPolito moved to adopt Ordinance 8783-15 on second and final reading. The motion was duly seconded and

upon roll call, the vote was:

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

- 9.8** Adopt Ordinance 8784-15 on second reading, amending the future land use plan element of the Comprehensive Plan to designate the land use for certain real properties whose post office addresses are 2100, 2106, 2148, and 2149 Bell Cheer Drive and 2112 Burnice Drive, all in Clearwater, Florida 33764, upon annexation into the City of Clearwater, as Residential Low (RL).

Ordinance 8784-15 was presented and read by title only. Vice Mayor Polglaze moved to adopt Ordinance 8784-15 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.9** Adopt Ordinance 8785-15 on second reading, amending the Zoning Atlas of the city by zoning certain real properties whose post office addresses are 2100, 2106, 2148, and 2149 Bell Cheer Drive and 2112 Burnice Drive, all in Clearwater, Florida 33764, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 8785-15 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 8785-15 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.10** Adopt Ordinance 8807-15 on second reading, submitting to the city electors proposed amendments to the City Charter, amending Section 7.02, General Provisions, to require the council to appoint a Charter Review Advisory Committee every six years.

In response to a question, the City Attorney said any changes to Ordinances 8807-15, 8808-15, and 8809-15 that require a change in their respective title would require a third reading. Because of the advertisement requirements, a special council meeting must be called between December 21 and December 31 in order to meet the Supervisor of Elections' December 31, 2015 deadline.

It was stated that the ordinances must be advertised within ten days of the public hearing in a newspaper of general circulation.

Ordinance 8807-15 was presented and read by title only. Councilmember Jonson moved to adopt Ordinance 8807-15 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

9.11 Adopt Ordinance 8808-15 on second reading, submitting to the city electors proposed amendments to the City Charter amending Sections 2.01(d)(5)(ii), (vi), and (vii), which provide for limitations on council powers relating to city-owned real property.

Ordinance 8808-15 was presented and read by title only. Councilmember Hock-DiPolito moved to adopt Ordinance 8808-15 on second final reading. The motion was duly seconded and upon roll call, the vote was:

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

9.12 Adopt Ordinance 8809-15 on second reading, submitting to the city electors proposed amendments to the City Charter amending section 2.01(d)(6) to allow a bandshell and associated facilities including removable seating; to allow certain changes to the downtown boat slips; submitting to the city electors a proposed amendment to the City Charter amending Section 2.01(d)(7), to allow compatible commercial uses and other compatible public uses of portions of the main library.

Three individuals spoke in opposition to the opposed proposed language affecting the use of the Clearwater Main Library.

A concern was expressed that a conceptual example of a compatible commercial use has not been proposed and that more community discussion is needed.

Councilmember Jonson moved to delete the library question from the ordinance.

Motion failed for lack of a second.

In response to questions, the City Attorney said the current charter does not allow leasing any portion of the library. The question referencing the

library is separate and distinct from the other referendum questions contained within this ordinance; if the question fails, that provision of the ordinance fails. Deleting "other compatible commercial uses" would still allow a restaurant and café; because they are specifically identified in the ordinance. The City Attorney said the term "commercial" broadens the potential uses; Council will determine the uses allowed. Deleting commercial will narrow the uses that could be considered to be in the building and leased for. If the question referencing the library fails, the charter restriction against leasing any portion of the library would remain.

Discussion ensued with support expressed that the proposed ordinance provides the City an additional tool in the toolbox to enhance the library experience for today's demographics and users.

Ordinance 8809-15 was presented and read by title only. Vice Mayor Polglaze moved to adopt Ordinance 8809-15 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

11. City Manager Reports

11.1 Approve an Architect of Record Work Order to Harvard Jolly, of St. Petersburg, FL, in the amount of \$133,580 for the Police Department Shooting Range, authorize the appropriate officials to execute same, and a first quarter amendment to increase Capital Improvement project 315-91150, Range Improvements, in the amount of \$700,000 from Sales Tax Infrastructure revenue.

In March of 2013, the Police Department received an estimate for the cost of construction for a covered, state of the art, shooting range. The estimated cost was 1.7 million dollars.

The Range Improvement project was established in the Fiscal Year 2014/15 Capital Improvement Budget with funding from Sales Tax Infrastructure Revenue (Penny for Pinellas) in the amount of \$1,700,000.

This project will provide for shooting range improvements that are currently needed to address the wear and tear that has occurred over the years that the current shooting range has been in service. There has been significant deterioration in the shooting range that may create liability issues if they are not addressed. The project will provide for a state of the art baffling and bullet containment system. The baffling system provides ballistic protection that

addresses the most critical safety concerns of ensuring that projectiles do not inadvertently leave the confines of the shooting range while providing sound/noise mitigation properties. The bullet containment system is designed to capture all bullets fired, and allows for the removal and disposal of all projectiles and associated debris without causing environmental damage, while remaining in compliance with city, county, state, and federal regulations. In 2015, the City hired Harvard Jolly Architecture and J. Kokolakis Contracting to provide cost analysis for the project. Based on the cost analysis, the Police Department determined that a 75 yard covered shooting range best fits the needs of the Police Department, City, and the community.

The design provides for a state of the art shooting range, which will provide:

- Projectile containment and collection
- Significant reduction of the chance of a projectile leaving the shooting range
- Reduced liability
- Noise mitigation
- Improved environmental conditions
- Reduced maintenance

In October 2015, a final Design Build Proposal was submitted by J. Kokolakis Contracting Inc. The total projected cost for this project is \$2,382,819.

APPROPRIATION CODE AND AMOUNT:

0315-91150-561300-521-000-0000 \$133,580

Funds are available in CIP project 0315-91150, Range Improvements to fund the work order in the amount of \$133,580.

First quarter budget amendments will transfer \$700,000 of Sales Tax Infrastructure revenue (Penny for Pinellas) from the Special Development Fund to capital improvement project 0315-91150, Range Improvements, for total project funding in the amount of \$2,400,000.

In response to a question, Police Chief Daniel Slaughter said when the project was added to the Penny List as a placeholder, the construction cost for a shooting range was an unknown until all of the parameters for the range had been defined.

Councilmember Hock-DiPolito moved to approve an Architect of Record Work Order to Harvard Jolly, of St. Petersburg, FL, in the amount of \$133,580 for the Police Department Shooting Range, authorize the appropriate officials to execute same, and a first

quarter amendment to increase Capital Improvement project 315-91150, Range Improvements, in the amount of \$700,000 from Sales Tax Infrastructure revenue. The motion was duly seconded and carried unanimously.

The City Manager announced the retirement of Assistant City Manager Rod Irwin, effective December 17, 2015. Mr. Irwin has served over 40 years in public management. He thanked Mr. Irwin for his service to the Clearwater community.

12. City Attorney Reports

The City Manager said for the past several months staff has been providing Council with US 19 progress summaries. As it the project comes to a close, Senior Professional Engineer Himanshu Patni and Signal Systems Supervisor Corey Martens have played an integral role to ensure items are addressed. Police Chief Daniel Slaughter reminded all that the speed limit on US 19 is 55 mph; the Department will be aggressively enforcing the speed limit.

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

Councilmember Jonson said he attended a steering committee meeting regarding the Clearwater Business Spark organization and is impressed with the progress being made with the group and the expanded library services. Visit St.Petersburg Clearwater CEO David Downy commented at a recent Chamber breakfast that the personal experience is the single most important factor in the success of a tourist destination.

Councilmember Hamilton said he appreciated tonight's tourism report presentation and Clearwater will continue to be the biggest funding source to the Tourist Development Council with the number of accommodation rooms and the quality of our destination. He hopes the City continues to receive the proper recognition and acknowledgment going forward from that organization.

Vice Mayor Polglaze wished his wife a Happy Birthday. He said there was a good discussion on the amendment involving the library and with the large initiatives coming before the Council in the future it is important to remain united and unanimous.

Councilmember Hock-DiPolito recognized Pinellas Trail, Inc. President Scott Daniels and staff for their work and dedication to the Trail. She invited all to

John Taylor Park on December 5, 2015 at 10:00 a.m. to celebrate 25 years of the Pinellas Trail.

14. Closing Comments by Mayor

Mayor Cretokos reviewed recent and upcoming events.

15. Adjourn

The meeting adjourned at 8:11 p.m.

Attest

Mayor
City of Clearwater

City Clerk