

# City of Clearwater

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



## Meeting Minutes

**Thursday, October 5, 2023**

**6:00 PM**

**Pinellas County, 333 Chestnut Street, Palm Room, Clearwater, FL  
33756**

## City Council

**Roll Call**

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

**Also Present:** Jennifer Poirrier – City Manager, Michael Delk – Assistant City Manager, David Margolis – City Attorney, Rosemarie Call – City Clerk and Nicole Sprague – Deputy City Clerk.

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

**Unapproved****1. Call to Order – Mayor Aungst, Sr.**

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

**2. Invocation – Rev. Dr. Paul Means from Northwood Presbyterian Church****3. Pledge of Allegiance****4. Special recognitions and Presentations (Proclamations, service awards, or other special recognitions. Presentations by governmental agencies or groups providing formal updates to Council will be limited to ten minutes.) – Given.**

- 4.1** Domestic Violence Awareness Month Proclamation, October 2023 - Nick DiCeglie, CEO Hope Villages of America
- 4.2** Manufacturing Month Proclamation, October 2023 - Johanna Velez, VP of Quality, Monin and Beth Galic, Executive Director, Bay Area Manufacturers Association
- 4.3** National Hispanic Heritage Month Proclamation, September 15, 2023 - October 15, 2023 - Juan Baxcajay, President of the Federation of Hidalguenses in Florida and Javier De la Vega Vargas, Vice-Consul for Community Affairs and Administration, Consulate of Mexico in Orlando
- 4.4** United Way Month Proclamation - October 2023 - Trina Uy, United Way and City of Clearwater United Way Liaisons: Tara Kivett and Marina Tsongranis
- 4.5** Public Natural Gas Week Proclamation, October 1-7, 2023 - Brian Langille, Clearwater Gas System Director
- 4.6** Fire Prevention Week Proclamation, October 8-14, 2023 - James Warman, City of

Clearwater Fire Marshall

## **5. Approval of Minutes**

- 5.1 Approve the September 21, 2023 city council meeting minutes as submitted in written summation by the City Clerk.

**Councilmember Teixeira moved to approve the September 21, 2023 city council meeting minutes as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.**

### **Public Hearings - Not before 6:00 PM**

## **6. City Manager Reports**

- 6.1 Authorize a purchase order to Tetra Tech, Inc. of Maitland, FL, for disaster debris monitoring services as a result of Hurricane Idalia in an amount of \$169,236.00 pursuant to RFP 54-22, Disaster Recovery Consulting Services and authorize the appropriate officials to execute same.

On February 2, 2023, Council approved an agreement with Tetra Tech, Inc. of Maitland, Florida, for disaster debris monitoring and management services. At that time, no funds were requested due to the uncertainty of what services and funding would be needed.

Clearwater's Emergency Management Team requests the Council to establish a purchase order for \$169,236.00 to pay for the contractual services as noted in Task Order No. 1 - Hurricane Idalia. The duration of work is from August 30, 2023 through August 30, 2024 unless extended by written agreement. The focus of work will be on reimbursements for emergency protective measures, eligible expenses, and management costs as outlined in the following tasks:

- Task 1: Project Startup, Public Assistance Operational Planning Support
- Task 2: Damage Intake Support
- Task 3: Project Formulation
- Task 4: Grant Management
- Task 5: Closeout Support

The amount of \$169,236.00 is based on the Consultant's current understanding of the project requirements and best estimates of level of effort required to perform the basic services, which may be subject to change upon mutual agreement between the City and Consultant. If additional services are required and the services will exceed the 10% City Manager is authorized to approve, an

item will be brought back to Council for approval.

The expected reimbursement amount should greatly exceed the fees paid to the Consultant.

**APPROPRIATION CODE AND AMOUNT:**

Funding for this purchase order is available in special program 181-99927, Emergency Operations.

**Councilmember Allbritton moved to authorize a purchase order to Tetra Tech, Inc. of Maitland, FL, for disaster debris monitoring services as a result of Hurricane Idalia in an amount of \$169,236.00 pursuant to RFP 54-22, Disaster Recovery Consulting Services and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.2** Approve the Agreement for Services between the City of Clearwater and Tampa Bay Psychology Associates, LLC for psychological and educational services for Clearwater Fire and Rescue first responders, in a not to exceed amount of \$80,000.000, during the contract period October 1, 2023 through September 30, 2024, pursuant to Clearwater Code of Ordinances Section 2.563(1)(f), Professional services not subject to CCNA, and authorize the appropriate officials to execute same.

The mental health of firefighters/EMS responders has become an increasing concern. The Clearwater Fire & Rescue Department (CFR) offers several resources for mental health requests. However, Tampa Bay Psychology Associates was recommended by the Clearwater Firefighters Association, IAFF 1158, and Clearwater Police Department for their influential, professional, psychology services. Tampa Bay Psychology Associates, LLC, specializes in the mental health treatment of public safety employees, unlike the short-term general services provided by Cigna's EAP services. Tampa Bay Psychology Associates is utilized by fire departments and law enforcement agencies within the Tampa Bay region.

This agreement provides for the maintenance of a 24/7 resource telephone number (for continual employee access, if needed for mental health concerns, individual counseling services, mental health check-ins, fitness for duty evaluations, pre-employment evaluations, employee wellness and safety training, additional tailored training modules, and post-academy training.

In September 2022, City Council approved the initial agreement with Tampa Bay Psychology services with Clearwater Fire & Rescue for September 1, 2022 through August 31, 2023. The City Manager approved the First Amendment to Agreement for Services, which extended the services one month through September 30, 2023.

This one-year agreement is effective October 1, 2023 and expires September

30, 2024, and based upon the success of this partnership, CFR can negotiate an extension of the agreement.

**APPROPRIATION CODE AND AMOUNT:**

Funds are budgeted in the proposed fiscal year 2023/24 operating budget in CFR's cost code 0101220-530100 to fund this agreement.

**Councilmember Beckman moved to approve the Agreement for Services between the City of Clearwater and Tampa Bay Psychology Associates, LLC for psychological and educational services for Clearwater Fire and Rescue first responders, in a not to exceed amount of \$80,000.000, during the contract period October 1, 2023 through September 30, 2024, pursuant to Clearwater Code of Ordinances Section 2.563(1)(f), Professional services not subject to CCNA, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.3** Approve the Fire Station 46 Funding Agreement between the City of Clearwater and Pinellas County to provide funding to reimburse the City for the construction of new Fire Station 46, in an amount up to \$1,166,523.08, during the contract period concluding September 30, 2024, pursuant to Florida Statutes Section 163.01, and authorize the appropriate officials to execute same.

Clearwater Fire & Rescue (CFR) provides fire and emergency medical services under contract with Pinellas County (County) for the City of Clearwater's (City) area of unincorporated Pinellas County. The County agreed to enter into this agreement to provide funding to reimburse the City in the construction of a new fire station. The City is responsible for all aspects of land acquisition, design, construction, operation, and future maintenance of the fire station facility. Pinellas County's funding is derived from the millage rate levied on the City of Clearwater property owners. The County agrees to fund the Fiscal Year (FY) 22-23 proportionate share of 11.27% throughout the project. The cost to the County shall not exceed the proportionate share of the project cap of \$10,350,692.83. Funding to be disbursed to the City for FY22-23 is up to \$1,166,523.08.

The new fire station facility is located at the same location as the prior station; however, the address was 534 Mandalay Ave., and is now 546 Mandalay Ave., Clearwater, FL 33767.

This agreement is effective the date approved and signed by the County through September 30, 2024. This agreement requires that the City indemnify the

County.

**Vice Mayor Bunker moved to approve the Fire Station 46 Funding Agreement between the City of Clearwater and Pinellas County to provide funding to reimburse the City for the construction of new Fire Station 46, in an amount up to \$1,166,523.08, during the contract period concluding September 30, 2024, pursuant to Florida Statutes Section 163.01, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.4** Accept a Gas Utility Easement from Lake Valencia Homeowner's Association, Inc, for the construction, installation, and maintenance of gas utility facilities on real property located at Lake Valencia Boulevard W, Palm Harbor FL, 34684.

Lake Valencia Homeowner's Association (Grantor) has granted a non-exclusive five-foot wide natural gas easement, on property located at Lake Valencia Blvd W, Palm Harbor FL, 34684 (Parcel ID# 07-28-16-48833-005-0200) for the installation of a natural gas distribution line. This line will serve residential customer.

The easement grant is sufficient for the City to maintain and replace its facilities as necessary in perpetuity, or until such time as the City determines to abandon its use.

**Councilmember Teixeira moved to accept a Gas Utility Easement from Lake Valencia Homeowner's Association, Inc, for the construction, installation, and maintenance of gas utility facilities on real property located at Lake Valencia Boulevard W, Palm Harbor FL, 34684. The motion was duly seconded and carried unanimously.**

- 6.5** Declare as surplus for the purpose of sale Clearwater Gas System's propane operations to include propane supply tanks; propane tank inventory; vehicles and operating equipment; and all operating assets at each customer location and authorize disposition through sale to the highest bidder through open market and authorize the appropriate officials to execute same.

Clearwater Gas System (CGS) has operated a Propane business for over 30 years, separate from our natural gas distribution utility. CGS serves approximately 2,000 residential and commercial propane customers, with annual sales of approximately 430,000 gallons. The primary reason for entering the propane business was to serve customers where we didn't have natural gas infrastructure installed in the ground. This would allow CGS to add to its

customer base, with the expectation once natural was extended to those areas CGS would convert the customer over to natural gas.

In recent years, our propane operations have not netted a profit when evaluating the propane section independently as a stand-alone entity. In February 2023, CGS asked Council for direction on whether to sell or hold onto the propane division. As a result, Council instructed CGS to hire a 3rd party consultant to perform a business valuation to determine the overall value of the system. In August 2023, staff held 1-on-1's with the Mayor & Council, to review the valuation report and get additional direction.

Staff has provided a list of all the city-owned assets that need to be declared surplus in order for CGS to issue an Invitation to Bid (ITB) for the sale of the propane system. The assets at each customer location are expensed at the time of installation, therefore, are not explicitly listed on the surplus asset list.

**Councilmember Allbritton moved to declare as surplus for the purpose of sale Clearwater Gas System's propane operations to include propane supply tanks; propane tank inventory; vehicles and operating equipment; and all operating assets at each customer location and authorize disposition through sale to the highest bidder through open market and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.6** Approve an Interlocal Agreement between Pinellas County and the City of Clearwater regarding adopting anchoring limitation areas within the City of Clearwater and authorize the appropriate officials to execute same.

Pursuant to Florida state law, Florida counties, not municipalities, have been granted the exclusive right and authority to adopt anchoring limitation areas (ALA) within its county borders. Florida Statute § 327.4108(2)(a) provides the conditions for establishing an anchoring limitation area, including that a given area must be less than 100 acres and adjacent to urban areas that have residential docking facilities and significant recreational boating traffic. F.S. § 327.4108(2)(b) provides that a person may not anchor a vessel for more than forty-five consecutive days in any six-month period within any anchoring limitation area, subject to certain exceptions listed. F.S. § 327.4109(6), (7) provide the remedies for non-compliance with F.S. § 327.4108(2)(b), including civil penalties and vessel removal/impoundment.

The City of Clearwater has asked the county to establish an ALA within the

city's jurisdiction and the county has agreed to do so. It is a 92-acre anchoring limitation area within Mandalay Channel to the immediate northwest of Dolphin Point. Within the proposed anchoring limitation area, live-aboard vessels, and stored vessels-some of which may be at risk of becoming derelict vessels-present serious navigational, aesthetic, and environmental concerns. The county will seek the requisite permit from the Florida Wildlife Commission (FWC) to establish the ALA within the city's jurisdiction.

Florida state law further provides that ALAs must be marked with permitted signs and buoys. The city will bear all costs and responsibilities related to the permitting, installation, monitoring and maintenance of these signs and buoys; and the parties herein further agree that the City of Clearwater will, subject to applicable statutory limitations, protect, defend, and indemnify the county against any litigation stemming from the ALA.

The proposed anchoring limitation area satisfies the criteria in F.S. § 327.4108(2) (a).

The County has requested that Clearwater indemnify, pay the cost of defense, and hold harmless the County from and against any and all damages, lawsuits or expense of litigation arising out of or related to establishing and maintaining the ALA. Within the ALA there are several parcels of submerged land that are either owned or claimed to be owned by private citizens which could lead to a dispute over the ALA boundaries at a later date regarding such issues as the location of the signs, buoys or other markers used to identify the prohibited area.

**Councilmember Beckman moved to approve an Interlocal Agreement between Pinellas County and the City of Clearwater regarding adopting anchoring limitation areas within the City of Clearwater and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.7** Approve an Event License Agreement between Jones Lang LaSalle Americas, Inc, in its capacity as agent for the owner of the premises known as Countryside Mall, located at 27001 US Highway 19 North, Clearwater, Florida, and the City of Clearwater Police Department for the purpose of hosting a Shred-A-Thon and Operation Medicine Cabinet event on October 28, 2023, located at the Countryside Mall and authorize the appropriate officials to execute same.

Jones Lang LaSalle Americas, Inc and the Clearwater Police Department have entered into a cooperative agreement to allow the police department access to use the property at Countryside Mall during the Shred-A-Thon and Operation



Medicine Cabinet event on October 28, 2023.

The property manager requests the Clearwater Police Department (CPD) agree to the terms and conditions outlined in the Event License Agreement between Jones Lang LaSalle Americas, Inc., and CPD. Additionally, the property manager requests CPD hold harmless Jones Lang LaSalle Americas, Inc. from and against any and all loss liability, damage, cost or expense arising out of or related to CPD's use of the property.

Nothing in the agreement, however, shall be deemed a waiver of the limitations on liability contained in Section 768.28, Florida Statutes, or the doctrine of sovereign immunity.

There are no costs associated with this Event License Agreement.

**Vice Mayor Bunker moved to approve an Event License Agreement between Jones Lang LaSalle Americas, Inc, in its capacity as agent for the owner of the premises known as Countryside Mall, located at 27001 US Highway 19 North, Clearwater, Florida, and the City of Clearwater Police Department for the purpose of hosting a Shred-A-Thon and Operation Medicine Cabinet event on October 28, 2023, located at the Countryside Mall and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.8** Approve a Purchase Order to Ferguson Enterprises, LLC of Tampa, FL for Neptune Ultrasonic Meters in the not-to-exceed amount of \$150,000.00, for the term September 22, 2023 through August 19, 2024, pursuant to Clearwater Code of Ordinances Section 2.563(1)(d) Impractical and authorize the appropriate officials to execute same.

Neptune Ultrasonic Meters are standardized in the City of Clearwater water distribution system, capturing water consumption for both residential and commercial properties applications. Ultrasonic meters are excellent at lower flow measurement having benefits for the city and city customers, while measuring water flow rates accurately at higher usage.

Standardization of the ultrasonic water meters creates a cost saving benefit from an operational and maintenance standpoint such as no moving parts, low training and maintenance requirements, digital and analog options and having highly accurate reading capabilities. Standardization also reduces the required cost from stocking of part inventory. Pricing is based off Manatee County's agreement no. 19-R072004CB valid through August 19, 2024.

**APPROPRIATION CODE AND AMOUNT:**

Budgeted funds are available in Public Utilities operating cost centers, cost code 550400 Operating Supplies & Materials to cover the cost of the contract for FY23.

Future fiscal year budgets will include funding for these expenses.

*In response to questions, Public Utilities Director Rich Gardner said the contract amount can buy approximately 200 to 250 meters. The Department is trying to install the meters on a ten-year cycle. Staff compares the cost based on what is available in the market and piggyback on an approved contract when able. He said there are cheaper meters but it would cost more because staff would have to be trained on how to maintain the meters. He said the meters being purchased do not have any moving parts and include a battery which is good for ten years. These meters are not automated readers. He said the meters are read monthly; if staff is unable to read the meter, an estimated flow is provided.*

**Councilmember Teixeira moved to approve a Purchase Order to Ferguson Enterprises, LLC of Tampa, FL for Neptune Ultrasonic Meters in the not-to-exceed amount of \$150,000.00, for the term September 22, 2023 through August 19, 2024, pursuant to Clearwater Code of Ordinances Section 2.563(1)(d) Impractical and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.9** Approve a purchase order to Control Technologies, of Sanford, FL, for Pedestrian Warning Devices in the amount \$121,830.40 pursuant to Clearwater Code of Ordinances Section 2.563 (1)(C), Piggyback on other Governmental Entity, and authorize the appropriate officials to execute same.

The City of Clearwater endorses the Safe Streets Pinellas Action Plan fostering a safe and healthy community through first-class public safety in an effort towards zero traffic-related deaths by 2045. A systematic approach is to deploy a V21 Pedestrian Warning system connected vehicle technology to improve pedestrian safety. Connected vehicle technology will provide notifications to drivers that pedestrians are present along a portion of the ALT19 corridor in city limits, from Cleveland St. to Belleair Rd.

March 16, 2023, City Council approved a Joint Participation Agreement (JPA) with Florida Department of Transportation (FDOT) for the implementation of V21 Pedestrian Warning system connected vehicle project on Alt 19 (23-0006-EN), in the amount of \$452,000 of which \$361,600 is to be reimbursed by FDOT. The proposed ped warning devices will be reimbursed by FDOT at 80%, hence city actual cost is \$24,366.08.

Control Technologies will provide video analytic detection systems, installed at the following intersections:

1. Alt US 19/ Myrtle Avenue and Chestnut Street
2. Alt US 19/ Myrtle Avenue and Court Street
3. Alt US 19/ Myrtle Avenue and Cleveland Street
4. Alt US 19/ Court Street and MLK Jr Avenue
5. Alt US 19/ Missouri Avenue and Belleair Road
6. Alt US 19/ Missouri Avenue and Lakeland Road
7. Alt US 19/ Missouri Avenue and Clearwater Plaza Drive
8. Alt US 19/ Missouri Avenue and Druid Road
9. Alt US 19/ Missouri Avenue and Court Street

Control Technologies was selected piggybacking on Georgia Department of Transportation contract 48400-DOT0002307 which began April 5, 2023 and expires April 4, 2024.

**APPROPRIATION CODE AND AMOUNT:**

3557335-564000-G2211 \$121,830.40

Funds are available in Capital Improvement Project 355-G2211, ARPA Fiber Optics, to fund this purchase order.

**Councilmember Allbritton moved to approve a purchase order to Control Technologies, of Sanford, FL, for Pedestrian Warning Devices in the amount \$121,830.40 pursuant to Clearwater Code of Ordinances Section 2.563 (1)(C), Piggyback on other Governmental Entity, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

- 6.10** Declare as surplus and approve the donation of property as an uneconomic remainder for two parcels of real property as recorded in O.R. Book/Pages 3308/514 and 6275/724 and located at 110 North McMullen Booth Road, in Pinellas County, Florida.

The City by deed on July 9, 1986 and March 23, 1970 received ownership of two parcels.

On August 3, 2023 these parcels were appraised Seventeen Thousand \$17,000.00 dollars.

The cost to relocate installed city utilities far exceeds their current and appreciable future value.

Said parcels are currently ROW and extremely limited by their dimensions to develop.

These parcels require monthly maintenance having no public facilities on a dead-end road.

Said parcels are located 639 feet west of any public access within a private development.

These parcels are without fencing or barricades exposing the City to insurance liability.

All existing utility easements will be Deed reserved with release upon approved relocation.

City staff has reviewed and approved.

*The Mayor recused himself and departed chambers at 6:36 p.m.*

*Discussion ensued with a concern expressed with the City donating property for a private entity's benefit.*

*The City Attorney said the agenda item contemplates the donation but Council may amend the item to approve the surplus declaration, without approving the donation.*

*In response to questions, Real estate Services Coordinator Robert Kasmer said there are three utility lines within these parcels; to remove each line would cost approximately \$80,000, for a total of \$240,000. The property owner would be responsible for maintaining the lines by easement. He said the subject property was valued at \$17,000. The City Manager said the City has not donated land outside of affordable housing. Mr. Kasmer said the adjoining property owner has privilege and right to purchase the property.*

*Applicant Representative Clay Gilman of MacFarlane, Ferguson, and McMullen reviewed the request and said the City cannot do anything except to extend the right-of-way further west. There is no intention to move the water lines or the sewer lines. He said it is a small strip and there is not much one can do with the strip of land. The Church has been seeking this request for two years to begin this project.*

*One individual expressed concern with the precedent created by donating land to the church.*

*One individual spoke in support.*

**Councilmember Beckman moved to table Item 6.10. The motion failed for lack of a second.**

Discussion ensued with consensus to approve the declaration of surplus and

consider the donation at a later date. It was suggested that staff negotiate a price for the property being donated.

The City Attorney said staff can contact the Property Appraiser and confirm if the property is taxable.

**Councilmember Allbritton moved to declare surplus and approve the donation at a later date. The motion was duly seconded and carried unanimously.**

*The Mayor returned to chambers at 7:09 p.m.*

- 6.11** Authorize a purchase order to J and F Petroleum Group of Morrisville, NC for the installation of two 15,000-gallon aboveground tanks and associated piping and dispensers in a not-to-exceed amount of \$914,139.55 pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c), Piggyback or cooperative purchasing, and authorize the appropriate officials to execute same.

The Solid Waste Fuel Site has three 12,000-gallon underground fuel tanks that contain diesel and gasoline that provide fuel to the City's fleet of vehicles. These tanks and many of the underground components and other appurtenances were installed in 1996.

The generally accepted life expectancy of underground fuel tanks is about 30 years. As the tank system has aged, staff has encountered numerous problems and many components have become obsolete.

This project will include closing the underground tanks by filling them with foam. They will then install two 15,000-gallon aboveground tanks and the associated concrete slabs, piping and dispensers. The new tank system will tie into our existing fuel management system.

Requesting authorization to piggyback Sourcewell Contract No. 092920-JFA (State of Minnesota) valid through December 7, 2024. The current estimated schedule is about 45 weeks to complete once staff gives the notice to proceed. Much of this is the manufacturing time needed to fabricate the tanks. Use of non-Sourcewell pricing from the same company would have resulted in a higher total cost.

While the fuel site is down for approximately 5-6 weeks during construction city staff will use the WEX Fuel cards to obtain fuel for city vehicles and or equipment.

**APPROPRIATION CODE AND AMOUNT:**

A first quarter budget amendment will establish capital project 366-C2305, Fuel Site Replacement; provide a transfer of \$852,370 of Garage Fund revenues

from project C1901, Beach Radio Tower; and a transfer of \$147,630 from Garage Fund reserves to fund this purchase and create additional project contingency.

**USE OF RESERVE FUNDS:**

Funding for this project will be provided by first quarter budget amendment allocating Garage Fund reserves in the amount of \$147,630 to capital improvement project C2305, Fuel Site Replacement. The remaining balance of Garage Fund reserves after 25% working capital reserves is approximately \$8.9 million or 46% of the Garage Fund operating budget.

**Vice Mayor Bunker moved to authorize a purchase order to J and F Petroleum Group of Morrisville, NC for the installation of two 15,000-gallon aboveground tanks and associated piping and dispensers in a not-to-exceed amount of \$914,139.55 pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c), Piggyback or cooperative purchasing, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.**

**6.12 Approve the 2024 City Council Meeting Schedule.**

Per City Council Rule 1, Scheduling Council Meetings/Work Session Agendas, city council meetings are at 6:00 p.m. on the first and third Thursday of each month. The accompanying work sessions are at 1:30 p.m. on the preceding Monday, unless the Monday is a holiday, in which case the work session is on Tuesday. No meetings are held the first Thursday in January and July and the third Thursday in December.

Staff has identified the following conflicts:

1. Passover next year takes place Monday, April 22 through Tuesday, April 30, conflicting with the April 29 work session. Staff recommends a council meeting only on Thursday, May 2.
2. To accommodate Jazz Holiday (October 17 -20), staff recommends moving the Thursday, October 17 council meeting to Wednesday, October 16.
3. To accommodate City Council Rule 1, staff is recommending moving the Thursday, December 19 council meeting to Wednesday, December 18 (no work session on Monday, December 16).

In addition, staff is proposing two special work sessions: 1) January 10 for a citywide housing educational workshop and 2) January 30 for the annual strategic planning session.

Councilmember Teixeira moved to approve the 2024 City Council Meeting Schedule. The motion was duly seconded and carried unanimously.

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

*Tony Teller expressed concerns with the permitting process a new business must complete in order to open its doors to the community.*

*Mr. Holuba stated his First Amendment rights were violated at a recent council meeting.*

*Cal Tiger said he knows of an investor from Canada who is interested in bringing his business to Clearwater and requested assistance to connect the individual with the proper staff.*

*Tori Walker reviewed the disaster and case management services available at Saint Vincent de Paul.*

*Frank Dixon expressed concerns with ten or more individuals not being able to gather at Cherry Harris Park without paying a rental fee.*

*Fred Beyer declared himself an internet prankster.*

*Raymond Stuart said the individuals who organize events at Cherry Harris Park pay the required fees and expressed concerns that it is difficult to do business in Clearwater.*

*Patrick Raftery congratulated staff for the tree canopy brochure and supported the process outlined to notify the property owner and encouraged all residents to get to know the seven candidates running for office.*

*Bill Jonson requested individuals speak closer to the mic, as it is difficult to hear.*

*Chris Michalek expressed concerns that Decade Properties has not fulfilled the requirements outlined in the development order for the Chart House project, that the development agreement is null and void, and Decade Properties should be instructed to restart the process.*

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

## **9. Other Council Action**

### **9.1 Charter Review Committee Process and Timeline - Councilmember Beckman**

*The City Attorney said the Charter Review Committee is an advisory committee appointed by Council. The current Committee is comprised of 11 members. Per the city charter, the purpose of the Committee is to meet at least every five years, to review the existing city charter, and to make recommendations for changes. He said there are a wide number of policy proposals that are either not permissible in the charter because the city is preempted by state law or it is unconstitutional. Or, there are provisions that could go in the city charter but are highly unorthodox to include in the City's constitution, such as items that would typically be included in council rules or ordinances. The Committee meets in the year preceding the election and is subject to the Sunshine Law.*

*A concern was expressed that the Committee has not completed its work and Council did not approach the Committee to seek input regarding the City's election system.*

*In response to a question, the City Clerk said typically appointments to the Charter Review Committee are done in January. The Committee meets from February through September. She said the current Committee will be reviewing their motions made to date at their next meeting and at the following meeting they will vote on their final report. The Committee will present their report at the November 2, 2023 council meeting.*



*Discussion ensued with comments made that the Committee's work is appreciated, that Council can disagree with the Committee and, that instituting a run-off election system has been raised in the past and now is the time for the electors to decide.*

*In response to questions, the City Attorney said copies of the motions taken by the Committee are attached to the agenda item. The Committee discussed runoffs and the timing of elections and the motion to create a runoff system failed. He said the Committee voted to keep the current voting system. He said changing the election system is complex and he wanted to make sure Council had sufficient time to consider an ordinance to place a referendum question on the March ballot. The City Clerk said the ballot language deadline is December 19, 2023. Since the ballot questions must be translated prior to December 19, Council must hear and adopt the ballot questions in November, with December 7 as the latest adoption date.*

## **9.2 City Manager Evaluation**

**AND**

## **9.3 City Attorney Evaluation**

*Councilmembers provided their evaluations of the City Manager and City Attorney.*

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

*Councilmember Allbritton reviewed PTSA history and recent activities and said it provides 9.4 million rides annually. He and Michael Delk are meeting with PSTA CEO Brad Miller on October 18, 2023 regarding the multi-modal center. He said he is happy to be involved with PSTA and that there are a lot of good things happening.*

*Vice Mayor Bunker said the owner of Nash Keys spoke under Citizens to Be Heard and raised a valid point regarding the red tape to open his business in Clearwater. He said he watched a YouTube video "Growing Up in Scientology" where a female auditor was told by another member that when traveling for work around the world for Scientology, he would stay with members in their home instead of staying in a hotel and he admitted to molesting the children in the home where he stayed. The auditor reported the individual to management who did not report him to the police. They wanted her to continue to audit the member to help him get better. He said Scientology won't report a molester but will call the police if someone speaks out against the organization.*

**11. Closing Comments by Mayor**

*Mayor Aungst reviewed recent events. He said he spoke to the parents of the two students that were stabbed at Countryside High School last month. One of the students had some serious injuries and both students are back in school.*

**12. Adjourn**

*The meeting adjourned at 9:06 p.m.*

Attest

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

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