

City of Clearwater

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



Meeting Minutes

Thursday, November 2, 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

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

2. Invocation**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 National Veterans Small Business Week Proclamation, October 30, 2023 - Nov. 3, 2023
Christopher Odgers, Legislative Affairs Chair for the State Board and Tampa Bay Chapter of the Florida Association of Veteran Owned Businesses
- 4.2 Suncoast Jazz Festival Weekend Proclamation, November 17 - 19, 2023 - Joan Dragon, Suncoast Jazz Festival, Exec. Director
- 4.3 2023 Charter Review Committee Final Report - Chair Nathan Hightower

Chair Hightower presented the Committee's Final Report. He recognized the Committee Members in attendance and thanked them and staff for their support.

Committee Member Karen Cunningham said the first few discussions the Committee had related to Council's recommended topics.

Vice Chair Bill Jonson said the process was a great example of a

committee working together. The Committee believed expanding council would allow the additional members to pick up regional boards, which require a lot of time. Since Council must operate in the Sunshine, the Committee recommended Council institute quarterly discussions to talk about how things are going and confirm all councilmembers are receiving the same communication from staff.

In response to questions, Chair Hightower said the Committee did not discuss strong mayor form of government. The proposed preamble captured the essence of the City's charge and governance. The City Attorney said if direction is given tonight, there is sufficient time to meet the March ballot deadline. If direction is not given tonight, there will be one more opportunity. He said Council can always call for a special election at any time.

There was council consensus to disband the Committee. Staff was directed to create an agenda item for the next meeting.

4.4 State of the City - Jennifer Poirrier, City Manager

The City Manager provided a PowerPoint presentation.

5. Approval of Minutes

5.1 Approve the minutes of the October 18, 2023 city council meeting as submitted in written summation by the City Clerk.

Councilmember Teixeira moved to approve the minutes of the October 18, 2023 city council meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

5.2 Approve the October 2, 2023 special city council meeting minutes as submitted in written summation by the City Clerk.

Councilmember Allbritton moved to approve the October 2, 2023 special city council meeting minutes as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

6. Consent Agenda – Approved as submitted, less Item 6.9.

6.1 Approve the collective bargaining agreement as negotiated between the City of Clearwater and Communication Workers of America, Local 3179 (CWA), from October

1, 2023 through September 30, 2026 and authorize the appropriate officials to execute same. (consent)

- 6.2** Approve a proposal by Construction Manager at Risk Khors Construction Inc., of Pinellas Park Florida, for renovations and structural repairs at BayCare Ballpark in the amount of \$1,344,526.45; transfer \$600,000.00 of Penny for Pinellas Funds at first quarter from C2001-Athletic Fields and Facility Renovations to M2204-Carpenter and Baycare Repair and Replacement, and authorize the appropriate officials to execute same (consent)
- 6.3** Approve purchase orders to multiple vendors for the acquisition of library books and materials in the cumulative not-to-exceed amount of \$490,000.00, for the term October 1, 2023 through September 30, 2024, pursuant to Clearwater Code of Ordinance Section 2.563(1)(c), Piggyback and cooperative purchases, and authorize the appropriate officials to execute same (consent).
- 6.4** Authorize a purchase order to Azteca Systems Holdings, LLC dba Azteca Systems, LLC (Azteca) of Sandy, UT for computerized maintenance and management system (CMMS) software in the amount of \$390,000.00 pursuant to Clearwater Code of Ordinances Section 2.563(1)(c), Piggyback or cooperative purchasing, and authorize the appropriate officials to execute same. (consent)
- 6.5** Approve a contract with Black and Veatch of Overland Park, KS for project management and software implementation services in support of a computerized maintenance management system (CMMS) for Public Utilities and on-going configuration maintenance and support for a three-year term, beginning November 1, 2023 through October 31, 2026, in the not to exceed amount of \$1,987,209.00 pursuant to RFP 36-23 and authorize the appropriate officials to execute same. (consent)
- 6.6** Approve an agreement with Noverant, Inc. of Raleigh, NC, for a learning management system (LMS) application and content subscription in the amount of \$316,680.00 for a three-year term, November 2, 2023 through November 1, 2026, pursuant to Request for Proposals (RFP) 32-23 Learning Management System and authorize the appropriate officials to execute same. (consent)
- 6.7** Approve an increase to Pinellas County for the Joint Project Agreement (JPA) 001034A between Pinellas County and the City of Clearwater for the Reclaimed Water Pipe Repair on Old Coachman Rd., Project 17-0056-UT in the amount of \$87,897.48 for a new project total of \$594,480.48 and authorize the appropriate officials to execute same. (consent)
- 6.8** Authorize purchase orders to Advanced Environmental Laboratories, Inc. of Tampa, FL and Pace Analytical Services, LLC of Ormond Beach, FL in a cumulative annual not-to-exceed amount of \$700,000.00 with the option for three, one-year renewals pursuant to ITB 52-23, Laboratory Services, and authorize the appropriate officials to execute same. (consent)

- 6.9** Authorize purchase orders to multiple vendors for the purchase of vehicle parts for heavy and light duty city vehicles and equipment in the not-to-exceed amount of \$1,700,000.00 for term October 1, 2023 through September 30, 2024 pursuant to Clearwater Code of Ordinances Section 2.563(1)(a) Single source, Section 2.563 (1)(b) Micro purchases, and Section 2.563 (1)(c) Piggyback and authorize the appropriate officials to execute same. (consent)

See below.

- 6.10** Approve purchase order to Communications International of Vero Beach, FL for the maintenance and repair of the citywide two-way radio communication system and equipment in the amount of \$184,002.00 for term October 1, 2023, through September 30, 2024, pursuant to Clearwater Code of Ordinances Section 2.563(1)(a) Single Source and authorize the appropriate officials to execute same. (consent).
- 6.11** Reappoint Meg Taylor to the Nuisance Abatement Board with a term to expire September 1, 2027. (consent)
- 6.12** Appoint Melinda Bacon to the Sister Cities Advisory Board, as the Clearwater Arts Alliance representative, with a term to expire October 31, 2027. (consent)
- 6.13** Reappoint Charles Engel to the Municipal Code Enforcement Board with a term to expire October 31, 2026. (consent)
- 6.14** Approve the Third Amendment to Contract for Purchase of Real Property, extending the due diligence period regarding Gotham and DeNunzio's purchase of the old City Hall site, and authorize the appropriate officials to execute same. (consent)

Councilmember Beckman moved to approve the Consent Agenda as submitted and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 6.9** Authorize purchase orders to multiple vendors for the purchase of vehicle parts for heavy and light duty city vehicles and equipment in the not-to-exceed amount of \$1,700,000.00 for term October 1, 2023 through September 30, 2024 pursuant to Clearwater Code of Ordinances Section 2.563(1)(a) Single source, Section 2.563 (1)(b) Micro purchases, and Section 2.563 (1)(c) Piggyback and authorize the appropriate officials to execute same. (consent)

The Fleet Division is requesting authorization to purchase vehicle parts from

various vendors for heavy and light duty city vehicles and equipment.

Vendors are as follows:

Agility Fuel Systems; Altec Industries Inc; Amazon; American CNG; Atmax (Mowermax); Autoway Parts Center; Bay Area Auto Truck Sales dba Kenworth of Central Florida; Bill Curie Ford; Bobcat (Mascap Dealer Holdings LLC); Broyhill; Chic-1 AC Plus; Container Systems; Cookson Enterprises; Cummins; Cycle Springs / Team Savage; Dayton Andrews; DHS; Dimmitt; E & N Distributing; EFE Inc dba Everglades Farm Equipment; Embankscape Equipment LLC; Environmental Products Group INC; Equipmentsshare.com Inc; Fleet Asquisitions LLC dba Fleet Products; Fleet Pride; Genuine Parts CO - NAPA; Grainger; H Barber; Kussmaul; Maher Chevrolet; McNeilus Financial LLC; Mynatt Truck & Equipment; Onesource Parts LLC; Original Equipment Company; Pats Pump and Blower; PB Parent HoldCo, LP; RDK Assets; Ring Power Corporation; Rush Truck; Smith Equipment; Southern Sewer Equipment Sales; Southport Truck; Stewart & Stevenson FDDA LLC; Sun State International Trucks LLC; Tampa Crane & Body Acquisition LLC; Tampa Spring Company; Ten-8; TPH Acquisition LLLP (The Parts House); Vermeer Southeast Sales & Service Inc; Walker Ford; Wastebuilt; Wesco.

Request to add additional vendors as needed is also requested following the proper procurement process.

Purchases will be obtained through various methods to include single source, micro purchases, small dollar purchases and piggyback contracts. The list of vendors with their procurement method is attached.

Piggyback contracts include City of St. Petersburg RFP No. 7522, Automotive Parts valid through September 30, 2025, and Hillsborough County Contract 20204-DST-KJ valid thru March 9, 2024, with two additional one year renewals. Authorization is requested to add additional piggyback contracts as needed throughout the year which will be vetted through the Procurement Division.

Pricing for piggyback contracts is included for all Vendors with an expected annual expenditure exceeding \$50,000. Additional pricing is available upon request for all Vendors expected not to exceed \$50,000 annually.

Single source vendors are Atmax (Mowermax), Broyhill, Cummins, Environmental Products Group INC, H Barber, Ten-8, and Wesco. Single source is being requested because the parts for the heavy and light duty city vehicles and equipment can only be obtained directly from that manufacturer or authorized representative. For instance, Cummins parts can only be obtained from Cummins Inc., MowerMax parts can only be obtained from the manufacturer Atmax, and so forth.

In addition, the Fleet Division is requesting approval to engage additional vendors as needed in accordance to Code Section 2.561(5) with the Procurement Division providing oversight. Competitive quotes will be obtained and no one vendor will exceed \$50,000 in a fiscal year.

APPROPRIATION CODE AND AMOUNT:

Funds are available in cost code 5666611-550600, vehicle parts, to fund these purchases.

STRATEGIC PRIORITY:

These purchases help accomplish strategic objective 1.2. Fleet division operators maintain public infrastructure to deliver effective and efficient services by optimizing City assets and resources.

One individual spoke in opposition.

Vice Mayor Bunker moved to approve Item 6.9. The motion was duly seconded and carried unanimously.

Public Hearings - Not before 6:00 PM**7. Second Readings - Public Hearing**

- 7.1** Adopt Ordinance 9706-23 on second reading, annexing certain real property whose post office address is 210 Meadow Lark Lane, Clearwater, Florida 33759, together with an unaddressed parcel located on the west side of Meadow Lark Lane approximately 760 feet north of Gulf to Bay Boulevard, together with all unincorporated right-of-way of Kentucky Avenue and an unnamed alley, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Mayor Aungst recused himself for Items 7.1 through 7.3 and departed chambers at 7:24 p.m.

Ordinance 9706-23 was presented and read by title only.

Councilmember Teixeira moved to adopt Ordinance 9706-23 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

Recused: 1 - Mayor Aungst Sr.

- 7.2** Adopt Ordinance No. 9707-23 on second reading, amending the future land use plan element of the Comprehensive Plan of the City to change the land use for certain real property whose post office address is 210 Meadow Lark Lane, Clearwater, Florida 33759, together with an unaddressed parcel located on the west side of Meadow Lark Lane approximately 760 feet north of Gulf to Bay Boulevard, from Residential Urban (RU)

(in Pinellas County) to Institutional (I), upon annexation into the City of Clearwater.

Ordinance 9707-23 was presented and read by title only.

Councilmember Allbritton moved to adopt Ordinance 9707-23 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

Recused: 1 - Mayor Aungst Sr.

- 7.3** Adopt Ordinance No. 9708-23 on second reading, amending the Zoning Atlas of the City by rezoning certain real property whose post office address is 210 Meadow Lark Lane, Clearwater, Florida 33759, together with an unaddressed parcel located on the west side of Meadow Lark Lane approximately 760 feet north of Gulf to Bay Boulevard, from R-3, Single Family Residential (in Pinellas County) to Institutional (I) upon annexation into the City of Clearwater.

Ordinance 9708-23 was presented and read by title only.

Councilmember Beckman moved to adopt Ordinance 9708-23 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

Recused: 1 - Mayor Aungst Sr.

- 7.4** Adopt Ordinance 9709-23 on second reading, annexing certain real property whose post office address is 3121 Downing Street, Clearwater, Florida 33759, together with all unincorporated right-of-way of Downing Street, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Mayor Aungst, Sr. entered Chambers at 7:28 p.m.

Ordinance 9709-23 was presented and read by title only.

Vice Mayor Bunker moved to adopt Ordinance 9709-23 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 7.5** Adopt Ordinance No. 9710-23 on second reading, amending the future land use plan element of the Comprehensive Plan of the City to designate the land use for certain real property whose post office address is 3121 Downing Street, Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Residential Urban (RU).

Ordinance 9710-23 was presented and read by title only.

Councilmember Teixeira moved to adopt Ordinance 9710-23 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 7.6** Adopt Ordinance No. 9711-23 on second reading, amending the Zoning Atlas of the City by rezoning certain real property whose post office address is 3121 Downing Street, Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9711-23 was presented and read by title only.

Councilmember Allbritton moved to adopt Ordinance 9711-23 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 7.7** Adopt Ordinance No. 9712-23 on second reading, amending Community Development Code Articles 3 and 4, Appendix B, and Appendix C to comply with Senate Bill 250: Natural Emergencies.

Ordinance 9712-23 was presented and read by title only.

Councilmember Beckman moved to adopt Ordinance 9712-23 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 7.8** Adopt Ordinance 9718-23 on second reading, annexing certain real property whose post office address is 2713 State Road 590, Clearwater, Florida 33759, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 9718-23 was presented and read by title only.

Vice Mayor Bunker moved to adopt Ordinance 9718-23 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 7.9** Adopt Ordinance No. 9719-23 on second reading, amending the future land use plan element of the Comprehensive Plan of the City to designate the land use for certain real property whose post office address is 2713 State Road 590, Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Residential Low (RL).

Ordinance 9719-23 was presented and read by title only.

Councilmember Teixeira moved to adopt Ordinance 9719-23 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 7.10** Adopt Ordinance No. 9720-23 on second reading, amending the Zoning Atlas of the City by rezoning certain real property whose post office address is 2713 State Road 590, Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9720-23 was presented and read by title only.

Councilmember Allbritton moved to adopt Ordinance 9720-23 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 7.11** Adopt Ordinance No. 9728-23 on second reading, proposing an amendment to the City Charter, changing the date of Clearwater's municipal election, beginning in 2026, to

coincide with state and federal primary elections, creating a run-off election for each seat in which no candidate receives more than fifty percent of the vote in the municipal election, and modifying the dates for candidate qualification, commencement and expiration of office and other time periods as necessary.

Ordinance 9728-23 was presented and read by title only.

Vice Mayor Bunker moved to adopt Ordinance 9728-23 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton and Councilmember Teixeira

Nays: 1 - Councilmember Beckman

8. 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.

Mr. Holuba expressed concerns regarding the Clearwater Police Department and urged the Mayor to respect everyone’s First Amendment rights.

Mike Taylor recalled an incident he experienced with Clearwater Police Officers and expressed concerns with a homeless veteran being trespassed from city property for holding a sign saying “God Bless Homeless Vets.”

Andre Johnson said he filed a civil suit against two city employees for their involvement in hindering his employment and expressed concerns with the City Attorney representing city employees.

Javante Scott said he conducted a feasibility study regarding hybrid work

and said, based on the cost benefit analysis, it would be worthwhile if the City looks into it. He thanked city staff for their assistance.

Chris Michalek submitted an email regarding Decade Properties, Inc.'s construction permit application (see page 18).

9. City Manager Reports

- 9.1** Approve Second Amendment to Sublease Agreement (Sublease Number 4799-002) providing to AMPLIFY Clearwater, as Sublessee, an amount not to exceed \$250,000 for interior improvements to the property located at 3204 Gulf to Bay Boulevard and authorize the appropriate officials to execute same.

Approve Second Amendment to Sublease Agreement (Sublease Number 4799-002) providing to AMPLIFY Clearwater as Sublessee an amount not to exceed \$250,000 for interior improvements to the property located at 3204 Gulf to Bay Blvd.

Staff reviewed the proposed improvements and recommends approval of the \$250,000 grant funding request based on the following:

1. The Visitor Center is located in a high traffic area at the eastern-most entrance to the city and will serve as the welcome and visitor information center for travelers entering the city from the east. This will serve as the only Visitor Center on the mainland of Clearwater.
2. The location is designated as a trailhead for Courtney Campbell Causeway Trail, will serve nearby Coopers Point Nature Park, and will provide easy connectivity to other hiking and biking trails including Ream Wilson Trail. The activation of the Visitor Center and other (future) trailhead improvements supports the city's goal of Environmental Stewardship (Objective 4.4).
3. Upon completion of the project, the Visitor Center will encourage local patronage thereby boosting the local economy, and will endeavor to transform tourists into return visitors, residents, and employees.
4. Funding for all operating costs will be the responsibility of AMPLIFY Clearwater. Upon approval, AMPLIFY Clearwater will seek grants and other sources of funding from community partners and businesses to support interactive exhibits, sustainable and energy efficient design and technologies, and long-term operational sustainability.
5. The improvements to the facility are reasonable, providing necessary modernization to the space.
6. AMPLIFY Clearwater will collaborate with the city's Parks & Recreation department for future exterior improvements associated with the

trailhead capital improvements.

Economic Development & Housing Dept will oversee the project as described in this Second Amendment and will authorize release funding distributions as described. Parks & Recreation Department will continue to oversee all other aspects of the Sublease Agreement.

Background:

August 16, 2017 - The city of Clearwater entered into a 50-year lease for the property located at 3204 Gulf to Bay Blvd. Owned by the state of Florida and offered for lease by the Bureau of Public Land Administration, Division of State Lands in Department of Environmental Protection, this 1.576 +/- acres property includes a 2-story building (approximately 4,310 SF).

May 7, 2019 - The Greater Regional Chamber of Commerce entered into a 10-year sublease agreement with the city of Clearwater for the establishment and operation of a welcome center and trail restroom facility on the 1st floor of the building.

September 15, 2021 - Amendment Number One was executed, revising the sublease term to a period of 30 years and ending on May 6, 2049.

Strategic Objectives:

2.3 - Promote Clearwater as a premier destination for entertainment, cultural experiences, tourism, and national sporting events. [Visitor Center]

4.4 - Develop accessible and active transportation networks that enhance pedestrian safety and reduce citywide greenhouse gas emissions. [Trailhead]

APPROPRIATION CODE AND AMOUNT:

A first quarter budget amendment will increase Parks and Recreation cost code 0101801-581000, Payment to Agencies to fund this agreement.

USE OF RESERVE FUNDS:

Funding for this contract will be provided by a first quarter budget amendment allocating General Fund reserves in the amount of \$250,000 to Parks and Recreation cost code 0101801-581000, Payment to Agencies. A net total of \$250,000 of General Fund reserves has been used to date to fund expenditures in the 2023/24 operating budget. The remaining balance in General Fund reserves after the 8.5% reserve is approximately \$30.5 million, or 15.3% of the current General Fund operating budget.

STRATEGIC PRIORITY:

In response to questions, Economic Development and Housing Director Denise Sanderson said Parks and Recreation approached the State to

acquire control of the property to use as a trailhead facility. Amplify has not paid any insurance because they have not occupied the facility and there are no operating costs. Amplify's application with the county for Penny4 funds was withdrawn because the facility was no longer going to be used as an incubator, which was a qualifying condition. As a trailhead facility, it is mutually desired that the site be accessible, safe, and pleasant. TDC funds may be used for the installation of murals, exhibits, and other tourism activities. Amplify Clearwater CEO Amanda Payne said the Visitors Center will be operated seven days a week, with hours varying according to the season.

Councilmember Teixeira moved to approve Second Amendment to Sublease Agreement (Sublease Number 4799-002) providing to AMPLIFY Clearwater, as Sublessee, an amount not to exceed \$250,000 for interior improvements to the property located at 3204 Gulf to Bay Boulevard and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 9.2** Amend Clearwater Code of Ordinances, Chapter 21, Offenses, repealing Section 21.18 relating to prohibiting soliciting, begging, or panhandling in the Clearwater Downtown Core Redevelopment Zone and the Clearwater Beach Core Tourist Zone and pass Ordinance 9727-23 on first reading.

Section 21.18 of the Clearwater Code of Ordinances prohibits soliciting, begging, or panhandling in the Clearwater Downtown Core Redevelopment Zone and the Clearwater Beach Core Tourist Zone. Ordinances of this nature have faced constitutional challenges throughout the United States. The Clearwater Police Department no longer utilizes or enforces Section 21.18 of the Code of Ordinances prohibiting soliciting, begging, or panhandling in the Clearwater Downtown Core Redevelopment Zone and the Clearwater Beach Core Tourist Zone, and therefore should be repealed.

Ordinance 9727-23 was presented and read by title only.

Councilmember Allbritton moved to amend Clearwater Code of Ordinances, Chapter 21, Offenses, repealing Section 21.18 relating to prohibiting soliciting, begging, or panhandling in the Clearwater Downtown Core Redevelopment Zone and the Clearwater Beach Core Tourist Zone and pass Ordinance 9727-23 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Aungst Sr., Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 9.3** Determine that two parcels of real property owned by the City and recorded in O.R. Book/Pages 3308/514 and 6275/724 at 110 N McMullen Booth Road, in Pinellas County, Florida, are uneconomic remainders of land as defined in City Charter Section 2.01(d)(5)(i), approve the sale for less than fair market value to the adjoining landowner, and authorize the appropriate officials to execute same.

On October 5, 2023 the City of Clearwater approved the surplus declaration for two, vacant and unimprovable Right of Way parcels.

On October 6 and 9, 2023 the city staff discussed the purchase with the adjoining landowner to present an offer of \$2,000.00 to purchase both parcels for the City Council's consideration.

Pinellas County has confirmed these parcels have no associated taxable value if purchased by this landowner.

These parcels are encumbered by Utilities with relocation costs to exceed \$200,000.00.

These parcels are without fencing or barricades creating an ongoing city insurance risk.

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

City staff has reviewed and recommends approval.

Mayor Aungst, Sr. recused himself and departed Chamber at 8:09 p.m.

Applicant representative Clay Gilman provided a PowerPoint Presentation.

One individual submitted an email in opposition (see page 21).

Councilmember Teixeira moved to determine that two parcels of real property owned by the City and recorded in O.R. Book/Pages 3308/514 and 6275/724 at 110 N McMullen Booth Road, in Pinellas County, Florida, are uneconomic remainders of land as defined in City Charter Section 2.01(d)(5)(i), approve the sale for less than fair market value to the adjoining landowner, and authorize the appropriate officials to execute same. The motion was duly seconded and carried with the following vote:

Ayes: 4 - Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

Recused: 1 - Mayor Aungst Sr.

10. City Attorney Reports

Mayor Aungst, Sr. entered Chambers at 8:16 p.m.

In response to a comment, the City Attorney said when city employees are sued in their official capacity or related to their employment, the City Attorney's office is authorized and ethically obligated to represent the city employees. On the rare occasion a conflict of interest is identified, the matter may be outsourced.

He thanked the Charter Review Committee for their work and dedication. A lot of diverse views were expressed within the Committee. He said some suggestions that could be considered are to codify the operating parameters of the Charter Review Committee, such as the methodology to select the members, to disband the members, and the timing of presentations. He said the changes can be codified by ordinance.

The City Manager said this will be the last meeting council facilities. She thanked county staff for assistance and efforts.

11. Other Council Action

11.1 Council Agenda Calendar - Councilmember Teixeira

Councilmember Teixeira said she requested the item to discuss the challenges to schedule 2 meetings and work sessions during some of the challenging months. After receiving staff feedback, she does not recommend changing the meeting schedule. She said she was concerned with how changing the meeting schedule could negatively impact the permitting process.

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

Vice Mayor Bunker said he was not involved with the incident referred to under Citizens to be Heard. He said police officers do not have every facet of the law at their fingertips. He said he believes in freedom of speech and the incident was handled appropriately.

Councilmember Beckman thanked staff for providing the information to allow her to make good decisions. She thanked the Japanese students for their visit. She congratulated the City Manager on the State of the City presentation.

Councilmember Allbritton reviewed PSTA business and the local bill introduced by a representative of St. Pete Beach that strips municipal representation from the PSTA board, which takes away the special taxing district authority. He requested the city adopt a resolution opposing it.

Councilmember Teixeira said the city needs to have a more regional presence. She thanked staff who helped celebrate her birthday and she said she is appreciative to live in a diverse city that offers performing arts, concerts, etc.

13. Closing Comments by Mayor

The Mayor said he hoped to see everyone at the Veteran's Day celebration. He thanked the Charter Review Committee for their work.

14. Adjourn

The meeting adjourned at 8:42 p.m.

Attest

Mayor
City of Clearwater

City Clerk

Call, Rosemarie

From: RudyChris Michalek <rudy.chris@icloud.com>
Sent: Wednesday, November 1, 2023 9:07 PM
To: Andrew.crews@myclearwater.com; Kader, Art; Bennett.Elbo@myclearwater.com; Bryce, Bob; Brooke.Donagan@myclearwater.com; Stephenson, Charles David; Root, Dana; Dave.Larremore@myclearwater.com; Sanderson, Denise; Dick.Hull@myClearwater.com; Douglas.Seaman@myclearwater.com; Crandall, Ellen; Shoberg, Elliot E.; Hatten, Keith; Winget, Isabel; Alleshouse, Jeremy; Brown, Jeremy; Jordan.Morang@MyClearwater.com; Deas, Karla; Garriott, Kevin; Zaccaria, Mario; Beery, Mark; Maxwell, Micah; Omar.Atallah@MyClearwater.com; Parry, Mark; Sprague, Nicole; Dembinski, Pawel; Quinzi, Michael; roger.johnson@myclearwater.com; Call, Rosemarie; Thomen, Roy; Kessler, Sarah; Burrows, Scott; Watkins, Sherry; Kivett, Tara; Kuhnel, Todd
Cc: ahaudricourt@mckimcreed.com; ahupp@oneoakdev.com; andrew.caudell@d-mar.com; apark@propertygroup.com; brian@deuelengineering.com; brynnfrzr@gmail.com; dachinelli@mckimcreed.com; elizabeth773@gmail.com; frankvhibbard@me.com; gcretelos@hotmail.com; hoyt.hamilton@gmail.com; hutloan@aol.com; Jay@cityattorneys.legal; JAYPOLGLAZE@gmail.com; Jordan@architecturebp.com; jq@boardwalkcompany.com; mabdurrahim5@gmail.com; maryalau065@outlook.com; Mytych, Matthew; mboutzoukas@beckerlawyers.com; mike@flanery.org; rector4fl@gmail.com
Subject: Chart House Update - OF MAJOR IMPORTANCE; Decade HAS NOT FOLLOWED established RULES/PROCEDURE and Decade HAS NOT APPLIED and RECEIVED APPROVAL for a Permit Application Extension

CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To City of Clearwater Staff ...

Cc: to former City Council Members and current/former Community Development Board Members ...

RE: Decade HAS NOT FOLLOWED established RULES/PROCEDURE and Decade HAS NOT APPLIED and RECEIVED APPROVAL for a Permit Application Extension.

Below is a copy of the October 26th GRIEVANCE that was sent on behalf of 465 Clearwater Point families by Chris Michalek-Commodore House, Richard DeSantis-Marina House and Susan Watt-Yacht House.

As you are aware, since the City Council Meeting of February 9th, 2019, the Community Development Board (CDB) Hearing of September 21, 2021 and Decade's submission of a Construction Permit Application on August 19th, 2022, we three have continued to challenge the City of Clearwater, Decade Properties Inc., Owner Jeff Keierleber and Attorney/Agent Brian Aungst Jr.,'s proposal to build a mammoth hotel on Clearwater Point.

Throughout the past four+ years, while we have forwarded extensive documentation regarding Decade's inability to meet the CDC and Beach by Design requirements as

demanding in their Development Order, the Planning and Department Staff continues to minimize our concerns.

As of today, (as documented in the official record, ACCELA), the facts to name a few but not limited to are the following:

DECADE HAS NOT:

- **ACQUIRED** a Construction Permit.
- **APPLIED** for a Demolition Permit
- **CONDUCTED** an Asbestos Survey.
- **REMOVED** two Slips.
- **INSTALLED** a Tree Barricade on the West side.

We await a response from our City Manager, Jennifer Poirrier.

Christine/Chris Michalek - Commodore House
Richard DeSantis .- Marina
Susan Watt ... Yacht House

From: Chris Michalek <rudychris@icloud.com>
Subject: GRIEVANCE Notice of Planning Department Failure to Enforce Development Order
Date: Oct 26, 2023 at 12:02 PM
To: "Poirrier, Jennifer" <Jennifer.Poirrier@MyClearwater.com>
Cc: "Brian.Aungst@Myclearwater.com"
<Brian.Aungst@Myclearwater.com>, "David.Allbritton@MyClearwater.com"
<David.Allbritton@MyClearwater.com>, "Beckman, Kathleen"
<Kathleen.Beckman@MyClearwater.com>,
"Mark.Bunker@MyClearwater.com" <Mark.Bunker@MyClearwater.com>,
"Teixeira, Lina" <Lina.Teixeira@myclearwater.com>, "Delk, Michael"
<michael.delk@MyClearwater.com>, "daniel.slaughter@Myclearwater.com"
<daniel.slaughter@Myclearwater.com>,
"David.Margolis@myclearwater.com"
<David.Margolis@myclearwater.com>, "Gina.Clayton@myclearwater.com"
<Gina.Clayton@myclearwater.com>, Richard DeSantis
<desantis46@aol.com>, sue watt <suewatt7777@gmail.com>

Dear Ms. Poirrier/Jennifer ...

Ms. Poirrier, you were present when the below testimony was given to our Clearwater Leaders, the City Council and Staff on Thursday, October 5th, 2023.

In summary: Decade Properties Inc., Owner Jeff Keierleber, Attorney/Agent Brian Aungst Jr., have not fulfilled their Chart House Development Order. Decade did not send a request nor was it granted approval for their BCP2022-080686 (Chart House) PERMIT extension by **September 21, 2022**. Decade's request is **Null and Void** and they should be notified and instructed to begin anew.

Additionally, you have been part of an email exchange with Councilwoman Kathleen Beckman, City Attorney David Margolis and City Assistant Manager Michael Delk. The emails document that the City's Planning and Development Department and Director Gina Clayton have failed in their duty by ignoring Decade's Development Order directive and in fact complicit in allowing Decade to move forward toward Permit approval. You have been copied on the October 18th response to Councilwoman Beckman in which City Attorney David Margolis is quoted: "Technically, I believe the Michalek's are correct."

Please be aware that while an example showing that Decade's other property, Sea Captain, 40 (48) Devon Drive, Clearwater Beach requested an extension by Attorney/Agent Brian Aungst, Jr., and received approval by Ms. Clayton, the Planning Department has dismissed this example as not germane.

Ms. Poirrier, Accela Public Record includes proof showing other Hotel Developers who have met their obligations, i.e., filed and received a Permit Application extension. Attached are four examples pertaining to the Courtyard by Marriott, 443/455 East Shore Drive, Clearwater Beach.

Since 2019 and to present day, we have submitted evidence regarding Decade's non-compliance, their casual approach. Time and time again, our concerns are minimized, dismissed.

Why is Decade receiving this special treatment? Why does the Planning Staff continue to excuse Decade's indifference to the Code and BBD regulations and, their arrogant failure to follow a process that the Department itself has established as required?

We ask that you intervene, investigate and take action regarding the grievous performance of your direct reports and demand that Decade Properties Inc., Owner Jeff Keierleber and Attorney/Agent Brian Aungst Jr., are informed that BCP Application, Chart House - 855 Bayway Boulevard, Clearwater Beach, Florida 33767 is Null and Void.

By this email, we are requesting a personal and formal meeting with you alone to discuss our concerns and, as City Manager, the measures you will take to correct the situation.

Respectfully,

Christine/Chris Michalek - Clearwater Point Chart
House
Point Marina House
Susan Watt - Clearwater Point Yacht House

Richard DeSantis - Clearwater

Attachments: Four (4) Courtyard by Marriott, 443/455 East Shore Drive, Clearwater Beach Requests-Approvals for Extension, three (3) approved by Michael Delk and one (1) by Gina Clayton.

Call, Rosemarie

From: DENNIS MCDERMOTT <walrus751@gmail.com>
Sent: Friday, October 27, 2023 4:03 PM
To: Allbritton, David; Aungst Sr, Brian; Beckman, Kathleen; Bunker, Mark; Teixeira, Lina; Call, Rosemarie; Poirrier, Jennifer; Margolis, David
Subject: Objection to File # 23-1333
Attachments: Object to File # 23-1333.pdf

CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please accept the attached letter as formal notice of my objection to File # 23-1333 which is scheduled for discussion at the City Council work session on Monday, October 30, 2023.

Dennis McDermott
1726 Lakeview Rd, Clearwater, FL 33756
(727) 542-6302

Dennis McDermott ♦ 1726 Lakeview Rd ♦ Clearwater, FL 33756
email: walrus751@gmail.com

October 27, 2023

Dear Elected and Appointed City Leaders,

The Clearwater City Council Work Session Agenda for October 30, 2023 includes this item:

ID # 23-1333: Determine that two parcels of real property owned by the City and recorded in O.R. Book/Pages 3308/514 and 6275/724 at 110 N McMullen Booth Road, in Pinellas County, Florida, are uneconomic remainders of land as defined in City Charter Section 2.01(d)(5)(i), approve the sale for less than fair market value to the adjoining landowner, and authorize the appropriate officials to execute same.

Although it is not clear from the legislative text, it seems reasonable to conclude that the origin of this transaction came from the 'adjoining landowner' and not from the City of Clearwater.

That said, I believe this action – as proposed -- is an egregious affront to the residents, taxpayers, and stakeholders of the City of Clearwater, and I do hope you will make the time to consider my reasoning, which will lead to your request to withdraw this item until it has been appropriately corrected.

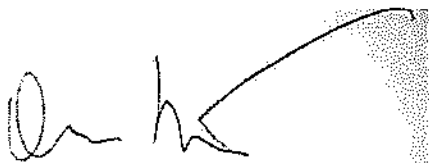
My concerns include:

1. The property description is stated in such a way that an average citizen might have difficulty identifying the property and/or its location.
2. Selling for "less than fair market value"? How can this possibly be of benefit to the residents, taxpayers, and stakeholders of the City of Clearwater?
3. The 'adjoining landowner' is referenced, yet not identified. **Why?**
4. Based on an educated view of the exhibits described in the agenda item, the City has some significant embedded expenses in this transaction, including appraisal, legal, survey, etc. which have not specifically been identified and are not described as being reimbursed to the City by the 'adjoining landowner' -- an apparently anonymous entity which is being given unprecedented and preferential treatment.
5. An appropriate way to reimburse the City for any and all ancillary and/or embedded expenses relative to this transaction would be to (a) clearly enumerate them; and (b) to require the purchaser to pay these costs prior to title transfer.
6. The property was appraised at a value of \$17,000. If the City wants to sell it, that seems fine. What doesn't seem fine is a random sale price which is **88% below appraised value**.
7. This effort to discount the value arbitrarily and capriciously to \$2,000 comes across as an offensive action which provides an unwarranted benefit to this "adjoining landowner", and it seems to set a new precedent which future elected members of City Council will need to deal with, in addition to the probable current and future adverse impacts on residents, taxpayers, voters and stakeholders in the City of Clearwater.

I'm certain other residents and taxpayers in Clearwater share many, if not all of my concerns.

I urge you to do the right thing, and to do this thing right.

Sincerely,



Dennis McDermott ♦ (727) 542-6302