

City of Clearwater

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



Meeting Minutes

Thursday, January 16, 2020

6:00 PM

Main Library - Council Chambers

City Council

Roll Call

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

Also Present: William B. Horne II – City Manager, Micah Maxwell – Assistant City Manager, Michael Delk – Assistant City Manager, Pamela K. Akin City Attorney, Rosemarie Call – City Clerk, and Nicole Sprague – Official Records & Legislative Services Coordinator.

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

Unapproved

1. Call to Order – Mayor Cretekos

The meeting was called to order at 6:00 p.m. in Council Chambers at the Main Library.

2. Invocation – Rev. Dr. Rhonda Blevins from Chapel by The Sea.

3. Pledge of Allegiance – Councilmember Allbritton

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 January Service Awards

One service award was presented to a city employee.

5. Approval of Minutes

5.1 Approve the December 19, 2019 City Council Meeting Minutes as submitted in written summation by the City Clerk.

Councilmember Polglaze moved to approve the December 19, 2019 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

Daniel Haluba expressed concerns regarding a settlement claim that was presented to Council in December and felt the information related to the incident was not accurate. He suggested the officers involved should have been dismissed.

Michael Mahan said he is a new business owner in the area and is trying to obtain a permit to set up tents and chairs on the beach. The tents are 8 ft. by 8 ft. or 10 ft. by 10 ft. He said Parks and Recreation and Zoning staff have not been able to provide clear guidance if the service would be permissible.

7. Consent Agenda – Approved as submitted.

- 7.1** Approve a recommendation by the Public Art and Design Board for a grant of \$9,000 to the Clearwater Arts Alliance for their proposal of Phase 5 of Thinking Outside the Box traffic signal box wrap program to be funded from the Miscellaneous Public Art Fund (A1901) and authorize the appropriate officials to execute same. (consent)
- 7.2** Approve a funding agreement between the City of Clearwater and the Pinellas Suncoast Transit Authority (PSTA) to provide enhanced Jolley Trolley service during Spring Break period of March 1, 2020 through April 30, 2020, with the City contributing a lump sum not to exceed \$93,415 and authorize the appropriate officials to execute same. (consent)
- 7.3** Authorize an amendment to the original agreement with HR and A Advisors, of New York, NY, in an amount not to exceed \$19,500, for the development of a Request for Proposal (RFP) document and authorize the appropriate officials to execute same. (consent)
- 7.4** Approve a Vehicle Use Agreement between the School Board of Pinellas County, Florida and the City of Clearwater through August 23, 2020 for the City to utilize Pinellas County School buses at a cost of \$1.50 per mile plus \$29.00 per hour, for a total estimated cost of \$25,000, and authorize the appropriate officials to execute same. (consent)
- 7.5** Approve a Tourism Promotion Agreement between the City of Clearwater and Pinellas County for and on behalf of Visit St. Petersburg/Clearwater (VSPC) for Clearwater Sea Blues Festival to be held on February 22 and 23, 2020 and authorize the appropriate officials to execute same. (consent)
- 7.6** Reappoint Jeffrey DiVincent to the Board of Trustees Clearwater Police Supplementary Pension Plan with a term to expire January 31, 2024. (consent)

- 7.7 Authorize a sole source award to Evoqua Water Technologies, of Pittsburgh, PA for Odophos and PRI-SC (hydrogen peroxide), in an annual amount not to exceed \$200,000.00 for the initial contract period of February 1, 2020 through January 31, 2021, with the option for two, one-year extensions, pursuant to Clearwater Code of Ordinances Section 2.564 (1)(b) and authorize the appropriate officials to execute same. (consent)
- 7.8 Authorize a purchase order to Odyssey Manufacturing of Tampa, FL for Liquid Sodium Hypochlorite in the annual not-to exceed amount of \$485,000 for the period of January 17, 2020 through January 16, 2021 with two one-year renewal options at the City's discretion and authorize the appropriate officials to execute same. (consent)
- 7.9 Appoint Pamela Benton to the Sister Cities Advisory Board, as the School Board's World Language Coordinator, with a term to expire January 31, 2024. (consent)
- 7.10 Reappoint Leanne Grayston to the Nuisance Abatement Board with term to expire January 31, 2024. (consent)
- 7.11 Request for authority to institute a civil action against the heirs, descendants, assigns, or other interested parties of the Belair Bayou, Inc. corporation to secure the necessary interest in certain lands in the area of the Seminole boat ramp to complete the dock segment of the project. (consent)

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

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

- 8.1 Declare surplus certain real property located in Section 17, Township 29 South, Range 16 East (city-owned David Avenue property) for the purpose of exchanging the David Avenue property for certain property owned by Creative Contractors, Inc. at Drew Street and North Garden Ave.; approve the related Contract for Exchange of Real Property between Creative Contractors, Inc. and the City of Clearwater and authorize the appropriate officials to execute same, together with all other instruments necessary to affect closing. (APH)

The city-owned David Avenue Property is 5.68 acres of unimproved land that

was acquired by the city on October 3, 1997 for \$386,000.00. The site was purchased in order to replace a collapsing stormwater system on the property which was addressed after the purchase. A new stormwater pipe relining project is underway and will be completed prior to closing of the land exchange. The site consists of two contiguous parcels identified by the Pinellas County Property Appraiser as 17-29-16-00000-130-0900 and 17-29-16-34650-000-0340, which are legally described in Exhibit B of the contract.

The property owned by Creative Contractors, Inc. is located at 618-620 Drew St., and is a 0.72-acre site containing a building with 8,176 square feet of office space, a parking lot, and unimproved land. The site is located at the northern perimeter of Downtown Clearwater in the strategic Old Bay Character District. The site consists of three contiguous parcels identified by the Property Appraiser as 09-29-15-44352-006-0030, 09-29-15-44352-006-0050, and 09-29-15-44352-006-0070, and which are legally described in Exhibit A of the contract.

The exchange is contingent upon the following: declaration of the city property as surplus; City Council approval of certain vacating ordinances related to the David Avenue property as contemplated in the contract; the reservation of new easements as contemplated in the contract; certain wellhead restrictions as contemplated in the contract; and the City being granted adequate access to Creative Contractor's property for purposes of conducting inspections and investigations, including environmental investigations. If any of the contingencies aren't met, the contract will become null and void.

An independent appraisal was performed by Tobias Realty Advisors, LLC on both sites in the proposed property exchange. The City's David Avenue property's fair market value was determined to be \$655,000 as of December 22, 2018 and the Creative Contractor's Drew Street Property was determined to have a \$685,000 fair market value as of December 7, 2018.

With the proposed land exchange, the City will receive a property with a higher appraised value which is located in the strategic downtown core.

Per City Charter Section 2.01(d)(5)(iv), real property declared surplus may be exchanged for other real property having a comparable appraised value.

The closing date in the property exchange contract between the City and Creative Contractors contemplates the closing will occur on or before October 1, 2020.

City closing costs are not to exceed \$6,000.

The parties agree that after closing of the property exchange, Creative Contractors will leaseback from the City, the Drew Street property at the market lease rate determined to be \$4,155.56 monthly. The term of the lease is for a period of 18 months and can be terminated with 60-days' notice. The leaseback will allow Creative Contractors to remain in their Drew street office while their new office building is being constructed on the David Avenue property.

APPROPRIATION CODE AND AMOUNT:

4191365-530100

Funding is available in Stormwater Management 1365-530100, Professional Services for closing costs.

Councilmember Allbritton moved to declare surplus certain real property located in Section 17, Township 29 South, Range 16 East (city-owned David Avenue property) for the purpose of exchanging the David Avenue property for certain property owned by Creative Contractors, Inc. at Drew Street and North Garden Ave.; approve the related Contract for Exchange of Real Property between Creative Contractors, Inc. and the City of Clearwater and authorize the appropriate officials to execute same, together with all other instruments necessary to affect closing. The motion was duly seconded and carried unanimously.

- 8.2** Approve a Future Land Use Map amendment from the Institutional (I) category to the Residential/Office General (R/OG) category for 407 N. Belcher Road and pass Ordinance 9346-20 on first reading. (LUP2019-09003)

This case involves one parcel of land located on the east side of N. Belcher Road, approximately 1,075 feet north of Drew Street. E&J Caputo Clearwater, LLC owns the parcel, which is approximately 0.729 acres.

The applicant, E & J Caputo Clearwater, LLC purchased the property in 2007. For almost 30 years, the location was owned and used by a non-profit social welfare organization which provided services for senior citizens. Since 2004, the building has been used as a medical office with a lab service and ultrasound facility, including after the applicant bought the property. In August 2019, the owner entered into an agreement to lease the building to a financial broker, an office use which is not permitted in the current underlying institutional (I) future land use category or within the current Institutional (I) zoning district.

The request is to change the property's Future Land Use Map designation from Institutional (I) to Residential/Office General (R/OG). A request to rezone the property from the Institutional (I) District to the Office (O) District is being processed concurrently with this case (REZ2019-09002). The requested amendments would allow the property to be used as an office as proposed.

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

- The proposed amendment is consistent with the Comprehensive Plan

and the Countywide Plan Rules.

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

In accordance with the Countywide Plan Rules, this land use plan amendment is subject to the approval of Forward Pinellas, in its role as the Pinellas Planning Council, and the Board of County Commissioners acting as the Countywide Planning Authority. The application is a small-scale amendment so review and approval by the Florida Department of Economic Opportunity and other state agencies is not required.

The Community Development Board reviewed this application at its December 17, 2019 public hearing and made a unanimous recommendation of approval to the Council.

Vice Mayor Cundiff moved to approve a Future Land Use Map amendment from the Institutional (I) category to the Residential/Office General (R/OG) category for 407 N. Belcher Road. The motion was duly seconded and carried unanimously.

Ordinance 9346-20 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9346-20 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

9. Quasi-Judicial Public Hearings

- 9.1 Approve a Zoning Atlas Amendment from the Institutional (I) District to the Office (O) District for 407 N. Belcher Road and pass Ordinance 9347-20 on first reading. (REZ2019-09002)**

This case involves one parcel of land located on the east side of N. Belcher Road, approximately 1,075 feet north of Drew Street. E&J Caputo Clearwater, LLC owns the parcel, which is approximately 0.729 acres.

The applicant, E & J Caputo Clearwater, LLC purchased the property in 2007. For almost 30 years, the location was owned and used by a non-profit social welfare organization which provided services for senior citizens. Since 2004,

the building has been used as a medical office with a lab service and ultrasound facility, including after the applicant bought the property. In August 2019, the owner entered into an agreement to lease the building to a financial broker, an office use which is not permitted in the current underlying institutional (I) future land use category or within the current Institutional (I) zoning district.

The applicant is requesting to rezone the subject property from the Institutional (I) District to the Office (O) District. A request to amend the future land use category from Institutional (I) to Residential/Office General (R/OG) is being processed concurrently with this case (LUP2019-09003).

The proposed Office (O) District will allow the site to continue to be used as an office as proposed and is consistent with the surrounding zoning districts that exist in the vicinity of the subject property.

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

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

The Community Development Board reviewed this application at its December 17, 2019 public hearing and made a unanimous recommendation of approval to the Council.

Councilmember Allbritton moved to approve a Zoning Atlas Amendment from the Institutional (I) District to the Office (O) District for 407 N. Belcher Road. The motion was duly seconded and carried unanimously.

Ordinance 9347-20 was presented and read by title only. Councilmember Polglaze moved to pass Ordinance 9347-20 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

10. Second Readings - Public Hearing

10.1 Adopt Ordinance 9349-20 on second reading, approving amendments to the Community Development Code to adopt the International Property Maintenance Code with Certain Local Amendments in Section 3-1502 in place of Chapter 47, Article VII, Unsafe Buildings and Systems and Chapter 49, Housing Code, and expanding the powers of the Building/Flood Board of Adjustment and Appeals to hear violations and appeals related to the International Property Maintenance Code.

**Ordinance 9349-20 was presented and read by title only.
Councilmember Hamilton moved to adopt Ordinance 9349-20 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

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

10.2 Adopt Ordinance 9352-20 on second reading, approving a request from Edgewater Valor Capital, LLC, to vacate a portion of a 5 foot-wide platted utility easement as recorded in Plat Book 31, Page 12 of the Public Records of Pinellas County, Florida, and a portion of a 10 foot-wide platted alley, as recorded in Plat Book 4, Page 56 of the Public Records of Pinellas County, Florida.

**Ordinance 9352-20 was presented and read by title only.
Councilmember Allbritton moved to adopt Ordinance 9352-20 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

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

Nays: 1 - Mayor Cretekos

Motion carried.

11. City Manager Reports

11.1 Approve amendments to the Clearwater Code of Ordinances, Chapter 25 - Public Conveyances to define commercial megacycles and definitions to establish standards for commercial megacycles, to require a license for commercial megacycles to be operated in the city and to add penalties; approve amendments to the Clearwater Code of Ordinances, Chapter 6 - Alcoholic Beverages, to provide an exemption for megacycle passengers and pass Ordinance 9358-20 on first reading.

In August of 2019 staff was tasked with examining the feasibility of permitting the operation of megacycles in the City of Clearwater. After conducting research on a local and state level, staff developed a pilot program to determine the viability of the program. It has been determined that an amendment to the Clearwater Code of Ordinances, Chapter 25 - Public Transportation Carriers, Article I - Public Conveyances would be needed to administer the pilot program. The Pilot program will include defined areas in downtown Clearwater and Clearwater Beach. Per council direction provided at the December 19, 2019 council meeting, staff has included the provision to allow alcoholic beverages on megacycles, requiring additional amendments to the Clearwater Code of Ordinances, Chapter 6 - Alcoholic Beverages.

Vice Mayor Cundiff moved to approve amendments to the Clearwater Code of Ordinances, Chapter 25 - Public Conveyances to define commercial megacycles and definitions to establish standards for commercial megacycles, to require a license for commercial megacycles to be operated in the city and to add penalties; approve amendments to the Clearwater Code of Ordinances, Chapter 6 - Alcoholic Beverages, to provide an exemption for megacycle passengers. The motion was duly seconded and carried with the following vote:

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

Nays: 1 - Mayor Cretekos

Ordinance 9358-20 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9358-20 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Nays: 1 - Mayor Cretekos

Motion carried.

11.2Accept a utility easement from 1250 Main L.L.C. for the construction, installation and

maintenance of city utility facilities on real property located at 1712 Gulf to Bay Blvd. and adopt Resolution 20-02.

The Utility Easement will allow the City rights for construction, installation and maintenance of utility facilities as the site is developed for commercial use.

Vice Mayor Cundiff moved to accept a utility easement from 1250 Main L.L.C. for the construction, installation and maintenance of city utility facilities on real property located at 1712 Gulf to Bay Blvd. The motion was duly seconded and carried unanimously.

Resolution 20-02 was presented and read by title only. Councilmember Hamilton moved to adopt Resolution 20-02. The motion was duly seconded and upon roll call, the vote was:

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

11.3Accept a drainage and utility easement from Gulfview Lodging, LLP for the construction, installation and maintenance of certain drainage and utility facilities on real property located at 385 S. Gulfview Blvd. and adopt Resolution 20-03.

The proposed easement will provide the City with property rights necessary for the construction, installation and maintenance of city drainage and utility facilities that support commercial development on the subject site.

The City Engineering Department recommends acceptance of the easement.

Councilmember Allbritton moved to accept a drainage and utility easement from Gulfview Lodging, LLP for the construction, installation and maintenance of certain drainage and utility facilities on real property located at 385 S. Gulfview Blvd. The motion was duly seconded and carried unanimously.

Resolution 20-03 was presented and read by title only. Councilmember Polglaze moved to adopt Resolution 20-03. The motion was duly seconded and upon roll call, the vote was:

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

11.4 Accept a sidewalk easement from Habitat for Humanity of Pinellas County Inc., on real property located at 1121 South Street, and adopt Resolution 20-06.

The Sidewalk Easement will allow the City rights for repair, maintenance and replacement of proposed sidewalk as the 1121 South Ave. site is developed for single family housing.

Councilmember Hamilton moved to accept a sidewalk easement from Habitat for Humanity of Pinellas County Inc., on real property located at 1121 South Street. The motion was duly seconded and carried unanimously.

Resolution 20-06 was presented and read by title only. Councilmember Allbritton moved to adopt Resolution 20-06. The motion was duly seconded and upon roll call, the vote was:

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

12. City Attorney Reports

12.1 Ratify the adoption of Resolution 19-34 authorizing the issuance of bonds to finance a portion of the costs of the Imagine Clearwater project in accordance with the Clearwater Code of Ordinances and pass Ordinance 9357-20 on first reading.

The City of Clearwater deems it necessary, desirable and in the best interests of the Issuer and its citizens and to serve a paramount public purpose that the Imagine Clearwater Project (Project) be completed.

The Project shall be financed and/or reimbursed with the proceeds of debt instruments, together with certain other legally available funds of the City.

In order to preserve and promote the gainful employment and tourism and to enhance the economic prosperity and public welfare of the inhabitants of the city, it is necessary and desirable that the Project be completed.

The City has adopted Resolution No. 19-34 on November 21, 2019 (Bond Resolution) authorizing the issuance of debt instruments (Series 2020 Bonds), and in accordance with the Clearwater Code of Ordinances, Chapter 2, Article VI, Section 2.522, wants to ratify the adoption of the Bond Resolution and approve the issuance of such debt instruments in accordance with the Code of Ordinances.

The estimated Non-Ad Valorem Revenues, after satisfying funding requirements for obligations having an express lien on or pledge thereof and after satisfying any funding requirements for essential governmental services of the city which

are not funded by ad valorem taxation, will be sufficient to pay the principal of and interest on the Series 2020 Bonds, as the same become due, and to make all other payments provided for in the Bond Resolution.

The principal of and interest on the Series 2020 Bonds and all other payments provided for in the Bond Resolution will be paid solely from the Pledged Funds; and the ad valorem taxing power of the city will never be necessary to pay the principal of and interest on the Series 2020 Bonds and, except as otherwise provided in the Bond Resolution, the Series 2020 Bonds shall not constitute a lien upon any property of the Issuer.

The City intends on adopting a Supplemental Resolution to provide for the manner of sale and terms of the Series 2020 Bonds, including the approval of the Purchase Contract, the designation of the Underwriter and the distribution of an offering document in connection with the sale of the Series 2020 Bonds by the Underwriter, and the designation of the Paying Agent and Registrar, after it has completed the validation of the Series 2020 Bonds authorized in Section 8.08 of the Bond Resolution.

Councilmember Allbritton moved to ratify the adoption of Resolution 19-34 authorizing the issuance of bonds to finance a portion of the costs of the Imagine Clearwater project in accordance with the Clearwater Code of Ordinances. The motion was duly seconded and carried unanimously.

Ordinance 9357-20 was presented and read by title only.

Councilmember Polglaze moved to pass Ordinance 9357-20 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

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

Councilmember Hamilton said Council meets with staff one-on-one for most agenda items and any questions are typically answered prior to the Council meeting. He clarified that if Council does not ask questions of staff for an agenda item, it is most likely because they already have had the questions answered. He said information provided by an individual under Citizens to Be Heard earlier in the meeting was inaccurate.

Councilmember Allbritton said he is excited to represent Clearwater in Tallahassee next week during a legislative trip with Amplify Clearwater.

14. Closing Comments by Mayor

Mayor Cretekos reviewed and recent and upcoming events and thanked all those involved with the Outback Bowl event. He congratulated Haley Crum for receiving the AchieveHERs Woman of the Year award and Bob Roberti for receiving the Mr. Clearwater 2020 award. He offered condolences to the survivors of Jeannette Hale.

15. Adjourn

The meeting adjourned at 6:42 p.m.

Attest

Mayor
City of Clearwater

City Clerk