

City of Clearwater

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



Meeting Minutes

Thursday, February 20, 2025

6:00 PM

Main Library - Council Chambers

City Council

Roll Call

Present: 5 - Mayor Bruce Rector, Vice Mayor David Allbritton, Councilmember Ryan Cotton, Councilmember Michael Mannino and Councilmember Lina Teixeira

Also Present: Jennifer Poirrier – City Manager, Daniel Slaughter – 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 Rector

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

2. Invocation – Pastor Steve Kreloff from Lakeside Community Chapel

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 February Service Awards

No action.

4.2 Newspaper in Education Week 2025 Proclamation, March 3-7, 2025 - Sue Bedry, Newspaper in Education Development Officer - Tampa Bay Times

4.3 Youth Art Month 2025 Proclamation, March 2025 - Betsy Walch, Beth Daniels, Maria Cantonis - The Clearwater Arts Alliance

4.4 North Beach Update

5. Approval of Minutes

5.1 Approve the minutes of the February 6, 2025 City Council Meeting as submitted in written summation by the City Clerk.

Councilmember Cotton moved to approve the minutes of the February 6, 2025 City Council Meeting 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. Administrative Public Hearings

- 6.1** Approve a Development Agreement between AP Beach Properties, LLC and the City of Clearwater for property located at 405 Coronado Drive, adopt Resolution 25-01, and authorize the appropriate officials to execute same. (HDA2024-09001)

Site Location and Existing Conditions:

The subject property is a 1.759-acre parcel operating as a surface parking lot with frontage along Coronado and Hamden Drives (420 feet and 370 feet, respectively) and Fifth Street (220 feet). It is located within the Tourist (T) District and the Small Motel District of *Beach by Design* with an underlying future land use designation of Resort Facilities High (RFH).

The surrounding area is characterized by a mix of uses including overnight accommodations (hotels), retail, outdoor recreation and entertainment, restaurant and attached dwellings with heights ranging from one to 15 stories. There are one- to two- story hotels adjacent to the site and a five-story attached dwelling located at the northeast corner of Bayside Drive and Hamden Drive. The City's Beach Walk project, to the west, has been constructed transforming South Gulfview Boulevard to the north of this site into a winding beachside promenade with tropical landscaping with clear views to Clearwater Beach and the water beyond. Coronado Drive has largely been improved according to *Beach by Design*.

Site History:

A portion of the property (originally five parcels on the northern end) was previously subject to a Development Agreement approved by the City Council on October 2, 2014. An amended agreement was subsequently approved on February 4, 2022, that incorporated additional land (three parcels to the south) into the site design (HDA2013-08006/HDA2013-08006A). The original Development Agreement recently expired, and the applicant is proposing a new Development Agreement and conceptual design and is requesting 100 units from the Hotel Density Reserve. The development proposal is described in detail later in this memo.

The overall size of the proposed development site has not changed; the eight parcels referenced above have been consolidated into the single subject parcel.

However, the various properties comprising the site have different histories which are provided below.

North portion of the site (previously 401/405/415/419 Coronado Drive and 406 Hamden Drive):

- On April 19, 2011, the Community Development Board (CDB) approved a Level Two Flexible Development application (FLD2011-02005) for a surface parking lot which has been constructed.
- On September 18, 2014, the City Council approved the allocation of up to 100 units from the Hotel Density Reserve under Beach by Design (HDA2013-08006) and adopted a resolution to the same effect (Resolution No. 14-25). The owners proposed to develop the site with a 166-unit overnight accommodation use with associated accessory/amenity uses including commercial space, restaurant, meeting rooms, and an exercise room. This Development Agreement, as amended on February 4, 2022 (HDA2013-08006A), expired on October 8, 2024.
- On July 21, 2015, the CDB approved a Level Two Flexible Development application (FLD2015-05016) for a 166-room overnight accommodation use in the Tourist (T) District. The CDB approved an amendment on May 17, 2022 (FLD2015-05016A), subsequent to the modifications to the Development Agreement referenced above. A series of extension requests have been approved extending the validity of the issued Development Order until March 14, 2027.

South portion of the site (previously 410/420 Hamden Drive):

- On December 28, 2018, the Community Development Coordinator approved a Level One Flexible Standard Development application (FLS2018-05024) for a surface parking lot for property including 410/420 Hamden Drive. The approval expired one year later.
- On November 17, 2020, the CDB approved a Level Two Transfer of Development Rights (TDR2020-07002) which transferred four hotel units from 410 Hamden Drive (Parcel ID 08-29-15-17622-000-0100) and seven hotel units from one of the two parcels comprising 420 Hamden Drive (Parcel ID 08-29-15-17622-000-0080), all to property located at 400/405/408/409/411 East Shore Drive.
- On October 19, 2021, the CDB approved a Level Two Transfer of Development Rights (TDR2021-08004) which transferred the remaining two dwelling units from 410/420 Hamden Drive (Parcel IDs 08-29-15-17622-000-0100, 08-29-15-17622-000-0090 and 08-29-15-17622-000-0080) to property located at 619/629/631/635 Mandalay Avenue.
- The two approved TDR applications removed all development potential from these three additional parcels.

Development Proposal:

No changes have been made to the Development Proposal presented at the February 6, 2025 council meeting.

The proposal is to remove all the existing site improvements on the 1.759-acre site and to construct a hotel with 135 overnight accommodation units as well as retail and restaurant spaces. The northern portion of the property that has remaining development potential is 1.32 acres, and as previously discussed, the 0.439-acre southern portion does not have remaining development potential. The underlying Resort Facilities High (RFH) future land use designation allows for 50 overnight accommodations units per acre or 1.2 FAR for nonresidential uses.

The proposal of 20,000 square feet of retail area and 6,825 square feet of restaurant area requires 0.613 acres of land, leaving 0.707 acres of land with development potential that can be used for overnight accommodations units. To achieve the proposed number of units, the project utilizes the 35 units possible from this remaining acreage, in addition to the requested 100-unit allocation from the Hotel Density Reserve (Reserve) through *Beach by Design*.

With the incorporation of the retail and restaurant area, and the reduction of the number of hotel units from 166 as approved in 2014 (HDA2013-08006) to 135 rooms, the subject site's density (hotel units per acre) will decrease from 94.32 hotel units per acre to 77 units per acre. The reduction of the number of hotel units will enable the provision additional services to the hotel guests. The building will continue to be 100 feet in height as measured from the established design flood elevation to flat roof. The proposal continues to include a tropical modern architecture, which is consistent with and complements the tropical vernacular envisioned in *Beach by Design*. The request includes a conceptual site plan and accompanying building elevations (Exhibit B).

The site will be accessed via a two-way driveway from Hamden Drive at the southeast corner of the property which will provide access to the parking garage component of the development. A one-way ingress is provided centrally along the north side of the site along Fifth Street which also provides access to the parking garage as well as an underbuilding drop off area. The egress for the drop off area is also located along Fifth Street. A one-way egress from the parking garage is provided at the northeast side along Hamden Drive. The primary pedestrian entrance is located at the northwest corner of the site. The northwest corner of the building on the ground floor contains a lobby, retail area and restaurant. The first five floors of the building will contain a parking garage as well as miscellaneous back-of-house components such as maintenance rooms and laundry facilities. The sixth floor will include a pool and pool deck and other amenities such as private balconies, exercise areas and related activities such as yoga. The seventh and eighth floors will be dedicated

almost entirely to hotel rooms and the ninth floor will include rooms, outdoor amenities as well as an indoor/ outdoor bar and lounge.

Proposal's Consistency with the Community Development Code (CDC):

Minimum Lot Area and Width:

Pursuant to CDC Table 2-802, the minimum required lot area and width for an overnight accommodations use is 20,000 square feet and between 100 and 150 feet in lot width, respectively. The subject property is 76,622 square feet in area and approximately 420 feet wide. The site is consistent with these Code provisions.

Minimum Setbacks:

The conceptual site plan depicts setbacks of 15 feet along the Fifth Street and Hamden Drive (north and east) frontages, and 10 feet along all remaining property lines of the site including the frontage along Coronado Drive. The proposed setbacks may be approved as part of a Level One (FLS) application, subject to meeting the applicable flexibility criteria of the Community Development Code; however, other elements such as height may require the project to be a Level Two (FLD) application.

Maximum Height:

Section B of the Design Guidelines within *Beach by Design* specifically addresses height. The proposal provides for a building 100 feet in height as measured from the design flood elevation where a height of up to 100 feet is permitted as prescribed by the CDC (subject to meeting the applicable flexibility criteria of the CDC and approved as part of a Level Two Flexible Development application) and as limited by any applicable *Beach by Design* requirements. The height of the proposed building is consistent with the guidelines of *Beach by Design*.

Minimum Off-Street Parking:

The 135-room overnight accommodations use requires a minimum of 162 off-street parking spaces. A parking garage located on the first five levels of the building will provide 400 spaces, including 50 which are available for public use. This is consistent with the applicable Sections of the CDC.

Landscaping:

While a formal landscape plan is not required to be submitted for review at this time, the conceptual landscape areas depicted on the site plan show that adequate spaces for foundation landscaping will be provided along all street frontages. Since no perimeter landscape buffers are required in the Tourist (T) District, the proposed landscape areas meet or exceed what is required. It is noted, however, that flexibility may be requested/necessary as part of a Comprehensive Landscape Program which would be reviewed at time of formal

site plan approval.

Proposal's Consistency with Beach by Design:

Design Guidelines:

A review of the provided architectural elevations and massing study was conducted and the proposed building does appear to be generally consistent with the applicable Design Guidelines established in *Beach by Design*. However, a more formal review of these Guidelines will need to be conducted as part of the final site plan approval process.

Hotel Density Reserve:

The project has been reviewed for compliance with those criteria established within *Beach by Design* concerning the allocation of hotel rooms from the Reserve. The project appears to be generally consistent with those criteria, including that the development complies with the Metropolitan Planning Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities. The submitted Traffic Impact Study concludes that traffic operations at nearby intersections and on adjacent roadways would continue at acceptable levels of service. It is important to note that the south portion of the site has had all development potential transferred to other properties within the *Beach by Design* planning area. *Beach by Design* Section V.B.2 provides that "Those properties and/or developments that have had density transferred off to another property and/or development(s) through an approved Transfer of Development Rights (TDR) application by the City after December 31, 2007, are not eligible to have rooms allocated from the Reserve." Staff believes that the intent of this provision is to prevent a property owner from selling off development potential and then requesting units from the Reserve thereby profiting from the Reserve. This portion of the site was not in common ownership at the time the 100 units were allocated to the original proposal, and the inclusion of the parcels will result in the overall site density (units per acre) decreasing; therefore, the project does not utilize these lots for development potential at all. The primary purpose of adding these parcels is to provide the opportunity to provide a more efficient parking garage layout which will allow for the provision of all required parking spaces as well as a minimum of 50 spaces for use by the public. In short, the proposal provides for a scenario that Staff believes was not considered at the time that *Beach by Design* was written. Staff believes that the proposal meets the intent of *Beach by Design* and approval of the request.

Standards for Development Agreements:

CDC Section 4-606 sets forth the procedures and criteria for reviewing development agreements. Specifically, development agreements shall be consistent with Clearwater 2045, the city's Comprehensive Plan. The proposal furthers the goals, objectives and policies of the Comprehensive Plan as

provided below.

Goal QP 3: Support the on-going transformation of the Downtown and Clearwater Beach Activity Centers as high intensity, walkable, and attractive regional centers for living, working, shopping, and entertainment.

Objective QP 3.3: Continue to use *Beach by Design: A Preliminary Design for Clearwater Beach and Design Guidelines (Beach by Design)* to guide development, redevelopment, and placemaking on Clearwater Beach.

Policy QP 3.3.4: Continue to utilize the Hotel Density Reserve allocation as established in *Beach by Design* to facilitate hotel development on Clearwater Beach.

The proposal is in compliance with the standards for development agreements, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in *Beach by Design*. The proposed Development Agreement will be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel Density Reserve under *Beach by Design* and includes the following main provisions:

- Provides for no change in the number of units (100 units) allocated from the Hotel Density Reserve (previously approved as part of HDA2013-08006/Resolution No. 14-25 and HDA2013-08006A/ Resolution No. 22-01);
- Includes conceptual site plans, architectural drawings, elevations and perspectives in Exhibit B that appear to be generally consistent with the applicable Design Guidelines established in *Beach by Design*;
- Requires the developer to obtain site plan approval within one year of approval, commence vertical construction within four years from the date of site plan approval, and obtain a certificate of occupancy within six years from the date of site plan approval;
- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- Prohibits the conversion of any hotel unit allocated from the Hotel Density Reserve to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodations usage; and
- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

Changes to Development Agreements:

Pursuant to Section 4-606.I, CDC, a Development Agreement may be amended by mutual consent of the parties, provided the notice and public hearing

requirements of Section 4-206 are followed. Revisions to conceptual site plans and/or architectural elevations attached as exhibits to this Development Agreement shall be governed by the provisions of the CDC, Section 4-406. Minor revisions to such plans may be approved by the Community Development Coordinator. Other revisions not specified as minor shall require an amendment to this Development Agreement.

Summary and Recommendation:

The proposal appears to be generally consistent with applicable components of the Community Development Code and *Beach by Design* and the city's Comprehensive Plan. Staff is supportive of the request.

One individual spoke in support.

Two individuals spoke in opposition.

Resolution 25-01 was presented and read by title only.

Councilmember Teixeira moved to approve a Development Agreement between AP Beach Properties, LLC and the City of Clearwater for property located at 405 Coronado Drive, adopt Resolution 25-01, and authorize the appropriate officials to execute same. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Rector, Vice Mayor Allbritton, Councilmember Cotton, Councilmember Mannino and Councilmember Teixeira

- 6.2** 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 2, 2025 through May 3, 2025, with the City contributing an amount not to exceed \$108,171.00 and authorize the appropriate officials to execute same.

Alternatives for traveling to Clearwater Beach during the Spring Break season are critical to the economic vitality of Clearwater and our tourism industry. The City and PSTA propose utilizing the parking lots at 112 S. Osceola Avenue and 200 S. Osceola Avenue as park and ride lots for the period commencing March 2, 2025 through May 3, 2025. Instead of driving, users will have the option of taking the free Trolley services to and from the Beach or paying to ride the Clearwater Ferry Taxi Service. The Trolley service will be free only for people who board the trolley at the 112 S. Osceola Avenue and 200 S. Osceola Avenue Park and ride site lots, at the Clearwater Beach Transit Station on the north side of Memorial Causeway, or at the Clearwater Beach Municipal Marina designated pick up location.

PSTA currently provides regular service on several routes between Downtown and Clearwater Beach, as well as north and south along the Beach. PSTA operates the Suncoast Beach Trolley which runs from Downtown Clearwater south to St. Pete Beach and has an agreement with the Jolley Trolley to operate a Beach circulator (North and South Beach routes), as well as the Coastal route connecting to Tarpon Springs. As part of this additional agreement, PSTA developed a service plan that will increase the number of vehicles serving the Beach during the Spring Break season, especially on the weekend periods from Friday through Sunday during spring break periods for local school districts and during the Sugar Sands Festival.

The proposed agreement sets forth the City's commitment to contribute an amount not to exceed \$108,171.00 towards PSTA's additional financial obligations, including PSTA's agreement with the Jolley Trolley to provide enhanced service on its Beach circulator routes during the Spring Break season. This amount is 50% of the total cost; PSTA will provide the other 50%. Riders will have significantly shorter wait times this season with additional vehicles to maintain the service at 30-minute intervals Monday through Thursday and 15-minute intervals Friday through Sunday. The free park and ride service is planned to start at 10:00 AM and end at the regular close of service (approximately 10:00 PM Sunday-Thursday and 12:00 AM Friday/Saturday).

APPROPRIATION CODE AND AMOUNT:

Funds are available in Public Works - Parking Division operating cost code 4351333-581000 (payment to agencies) to fund this agreement. Parking operations are funded by Parking Enterprise Fund revenues. These monies were contemplated within the FY24-25 budget.

STRATEGIC PRIORITY:

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

One individual spoke in opposition.

Vice Mayor Allbritton moved to 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 2, 2025 through May 3, 2025, with the City contributing an amount not to exceed \$108,171.00 and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 6.3** Award purchase orders to Harrell's, LLC, Heritage Landscape Supply Group, Inc. dba Heritage Professional Products Group, Howard Fertilizer and Chemical LLC, MAR Green Resources LLC and SiteOne Landscape Supply for citywide Herbicide, Pesticide and Assorted Related Products in the cumulative amount of \$175,000 for initial term of March 1, 2025 through September 30, 2025, with two, one-year renewal options at \$300,000.00 annually pursuant to Invitation to Bid 55-24 and authorize the appropriate officials to execute same.

Invitation to Bid # 55-24 Herbicide, Pesticide and Assorted Related Products was released on August 5, 2024, and five submissions were received on September 5, 2024. The Parks & Recreation Department evaluated each submission and determined that the five noted companies, Harrell's, LLC, Heritage Landscape Supply Group, Inc. dba Heritage Professional Products Group, Howard Fertilizer & Chemical LLC, MAR Green Resources LLC and SiteOne Landscape Supply, meet the requirements of the city. This award is proposed to be made to the noted five vendors to ensure a continuity of supply and flexibility in the ordering of product and/or services, as may be needed. Therefore, the Parks & Recreation Department is recommending the award of the contract to the five vendors as follows:

Category 1 - Fungicides

1. Harrell's, LLC; 1.2.
2. Heritage Landscape Supply Group, Inc. dba Heritage Professional Products Group; 1.1-1.3, 1.6-1.7, 1.11 and 1.13.
3. Howard Fertilizer & Chemical LLC; 1.2 and 1.12.
4. SiteOne Landscape Supply; 1.2, 1.4-1.5, and 1.8-1.9.

Category 2 - Herbicides

1. Harrell's, LLC; 2.1-2.2, 2.5 (secondary), 2.17, 2.20, 2.22, 2.23 (secondary) 2.24-2.25, 2.32-2.36, 2.39, and 2.44 (secondary).
2. Heritage Landscape Supply Group, Inc. dba Heritage Professional Products Group; 2.1-2.2, 2.3 (secondary), 2.4, 2.6, 2.8-2.12, 2.14 (secondary), 2.17, 2.19 (secondary), 2.20-2.21, 2.24-2.25, 2.32-2.34, 2.36-2.40, 2.41 (secondary), 2.42- 2.43, 2.44 (secondary), 2.45, and 2.49-2.50.
3. Howard Fertilizer & Chemical LLC; 2.1-2.2, 2.7, 2.14 (secondary), 2.16-2.17, 2.22, 2.24-2.25, 2.32-2.36, 2.44 (secondary), and 2.47-2.48.
4. MAR Green Resources LLC; 2.3, 2.5, 2.14-2.15, 2.19, 2.23, 2.30, 2.41 and 2.44.
5. SiteOne Landscape Supply; 2.1-2.2, 2.5 (secondary), 2.13, 2.14-2.15 (secondary) 2.17-2.18, 2.20, 2.22, 2.24-2.29, 2.30 (secondary), 2.31-2.36, 2.39, 2.44 (secondary), 2.46, and 2.47-2.48 (secondary).

Category 3 - Pesticides and Insecticides

1. Harrell's, LLC; 3.4.
2. Heritage Landscape Supply Group, Inc. dba Heritage Professional

Products Group; 3.2-3.4, and 3.8-3.13.

3. Howard Fertilizer & Chemical LLC; 3.4-3.5 and 3.7.

4. SiteOne Landscape Supply; 3.1, 3.4, 3.6 and 3.14.

Category 4 - Fertilizer

1. Howard Fertilizer & Chemical LLC; 4.2, 4.4, 4.12, 4.14-4.17, 4.19-4.20, 4.22 and 4.26.

2. SiteOne Landscape Supply; 4.1, 4.2 (secondary), 4.3, 4.4 (secondary), 4.5-4.11, 4.13-4.14, 4.18, 4.19-4.20 (secondary), 4.21, 4.23-4.25, and

4.27.

Category 5 - Related Products (Misc.)

1. Harrell's, LLC; 5.4 (secondary).

2. Heritage Landscape Supply Group, Inc. dba Heritage Professional Products Group; 5.1, and 5.7-5.8.

3. Howard Fertilizer & Chemical LLC; 5.4.

4. SiteOne Landscape Supply; 5.2-5.3, 5.5-5.6 and 5.9.

Category 6 -Catalogue and Pick up Discount

1. No award.

Category 7 - Insecticide with application

1. Howard Fertilizer & Chemical LLC; 7.1.

This contract will be used for parks and recreational facilities.

The Parks & Recreation Department estimates the annual expense of this contract at \$175,000 for the initial term of March 1, 2025 through September 30, 2025 and \$300,000 per year for the two one-year renewal options from Parks & Recreation funding with. The Parks & Recreation Department will ensure that all requirements, including any applicable provision of insurance, will be met.

APPROPRIATION CODE AND AMOUNT:

Funding will come from a variety of general fund cost centers; primarily from, parks & beautification (0101860) and athletic maintenance (0101880) codes, as well as various Capital Improvement Project codes (M2204, M2206, M2207). The Parks and Recreation department and these capital projects are funded by General Fund revenues.

STRATEGIC PRIORITY:

Approval of the purchase order supports several Strategic Plan Objectives, including:

- 1.2: Maintain public infrastructure, mobility systems, natural lands, environmental resources, and historic features through systematic management efforts;
- 2.3: Promote Clearwater as a premier destination for entertainment, cultural experiences, tourism, and national sporting events; and
- 3.2: Preserve community livability through responsible development

standards, proactive code compliance, and targeted revitalization.

In response to questions, Parks and Recreation Assistant Director Matt Anderson said the City selected the lowest responsible bidder. He said some the chemicals listed by MAR Green Resources are generic products. The City has an integrative pest management approach, utilizing chemical products when needed. The Department tracks the use of chemicals at city parks and posts the information on the Department's webpage.

Councilmember Mannino moved to award purchase orders to Harrell's, LLC, Heritage Landscape Supply Group, Inc. dba Heritage Professional Products Group, Howard Fertilizer and Chemical LLC, MAR Green Resources LLC and SiteOne Landscape Supply for citywide Herbicide, Pesticide and Assorted Related Products in the cumulative amount of \$175,000 for initial term of March 1, 2025 through September 30, 2025, with two, one-year renewal options at \$300,000.00 annually pursuant to Invitation to Bid 55-24 and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 6.4** Approve the Joint Participation Agreement (JPA) G3901 between the City of Clearwater and the State of Florida Department of Transportation (FDOT), for the construction of a rotating beacon at the Clearwater Airpark, authorize the appropriate officials to execute same, and adopt Resolution 25-05.

On January 12, 2023, City Council approved the Lease and Property Operating Agreement (Operating Agreement) with FlyUSA to manage the Clearwater Airpark, and subsequently approved the First Amendment to the Lease and Property Operating Agreement on March 7, 2024.

As part of the public-private partnership, the City and FlyUSA seek to redevelop Airpark facilities, including the terminal building and additional corporate hangars. In accordance with the Operating Agreement, specifically article 12, the City and FlyUSA agreed in good faith to pursue FDOT funding for certain capital improvement projects that repair, redevelop, and revitalize the Airpark. FlyUSA requested to seek FDOT funding availability for this project.

FDOT JPA Agreement G3901 provides for a \$110,000.00 grant for the construction of a rotating beacon, with FDOT reimbursing \$88,000.00 and the City providing a cash match of \$22,000.00. FlyUSA will reimburse the City for

the \$22,000.00 cash match portion.

APPROPRIATION CODE AND AMOUNT:

A first quarter budget amendment will establish capital project G2508, Airpark Beacon, and record a budget of \$110,000.00 which represents \$88,000.00 in grant revenue and \$22,000.00 in reimbursement revenue. All expenditures will be reimbursed by a combination of FDOT and FlyUSA funds.

STRATEGIC PRIORITY:

High Performing Government

1.2 Maintain public infrastructure, mobility systems, natural lands, environmental resources, and historic features through systematic management efforts.

Economic & Housing Opportunity

2.2 Cultivate a business climate that welcomes entrepreneurship, inspires local investment, supports eco-friendly enterprises, and encourages high-quality job growth.

2.3 Promote Clearwater as a premier destination for entertainment, cultural experiences, tourism, and national sporting events.

Resolution 25-05 was presented and read by title only.

Councilmember Cotton moved to approve the Joint Participation Agreement (JPA) G3901 between the City of Clearwater and the State of Florida Department of Transportation (FDOT), for the construction of a rotating beacon at the Clearwater Airpark, authorize the appropriate officials to execute same, and adopt Resolution 25-05. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Rector, Vice Mayor Allbritton, Councilmember Cotton, Councilmember Mannino and Councilmember Teixeira

- 6.5** Authorize a purchase order to Environmental Systems Research Institute, Inc. (ESRI) of Redlands, CA for the renewal of the City's mapping and land management software licensing and maintenance in the amount of \$285,900.00 for the term beginning February 26, 2025 through February 25, 2028, pursuant to City Code 2.563 (1)(d), Non-competitive purchases (Impractical), and authorize the appropriate officials to execute same.

ESRI is the City's Geographic Information System (GIS) and supports all spatial data sets, including property management, utility assets, and all city maintained public infrastructure. This product is used by all city departments and county and state agencies in our service region.

The renewal agreement spans a three-year term with the following costs:

- Year 1 (02/26/2025 - 02/25/2026): \$95,300.00
- Year 2 (02/26/2026 - 02/25/2027): \$95,300.00
- Year 3 (02/26/2027 - 02/25/2028): \$95,300.00

The software subscription includes access to all web services and development tools, enabling customization and the creation of application workflows, as well as data visualization across all ESRI products.

Payments will be made annually per the maintenance schedule.

GIS is almost a monolithic market and is dominated by ESRI. Some smaller companies have attempted to compete over the years, but to no avail. The time and expense related to replacing these functions would be significant (1-2 years), while costs (\$1-\$2 million) and disruptions to operations would be significant. Because of these factors, this procurement is impractical and ESRI is a standardized product that integrates with several other systems in the City's environment (Accela, CityWorks, various web application, Police Dispatch system, etc.).

APPROPRIATION CODE AND AMOUNT:

Funding for the current year's portion of this purchase order is budgeted and available in the Information Technology operating budget, cost code 5559864-530300, contractual services. Future year funding will be requested as part of the annual budget process.

The operations of the Information Technology department are funded by the Administrative Services Fund, an internal service fund of the city established to provide city-wide technology administration.

STRATEGIC PRIORITY:

This purchase will support all the objectives of a High-Performance Government, as well as Superior Public Service.

Councilmember Teixeira moved to authorize a purchase order to Environmental Systems Research Institute, Inc. (ESRI) of Redlands, CA for the renewal of the City's mapping and land management software licensing and maintenance in the amount of \$285,900.00 for the term beginning February 26, 2025 through February 25, 2028, pursuant to City Code 2.563 (1)(d), Non-competitive purchases (Impractical), and authorize the appropriate officials to execute same. The motion was duly

seconded and carried unanimously.

- 6.6** Authorize an increase to purchase orders to Florida Graphic Services, Inc of Clearwater, FL (Primary) and AMI Graphics, Inc of Strafford, NH and Outdoor America Images LLC dba OAI+Rainer (OAI) of Tampa, FL (Secondary) for Citywide Signs, Banners and Misc Other Items in the cumulative amount of \$175,000.00 bringing the contract total to \$200,000.00 annually for the initial term with two, one-year renewal options pursuant to RFP 58-24 and authorize the appropriate officials to execute same.

The Public Communications Department oversees the procurement of citywide signs, banners, vehicle wraps, decals, magnets, posters, and similar items.

On August 6, 2024, Procurement issued Request for Proposal (RFP) 58-24 for Citywide Signs, Banners, and Miscellaneous Items. Six qualified vendors submitted responses by the September 6, 2024 deadline. A selection committee representing Clearwater Gas Systems, General Services, Parks & Recreation, and Public Communications, thoroughly evaluated each submission based on the RFP criteria and overall responsiveness.

Following the review, the committee recommended Florida Graphic Services, Inc. as the primary award and recommended both AMI Graphics and OAI as a secondary award should the primary be unable to fulfill the order or if the secondary vendors offer more cost-effective solutions.

APPROPRIATION CODE AND AMOUNT:

Funds for these purchase are budgeted and available in the user department's operating budget.

STRATEGIC PRIORITY:

2.3 Promote Clearwater as a premier destination for entertainment, cultural experiences, tourism, and national sporting events.

3.3 Promote marketing and outreach strategies that encourage stakeholder engagement, enhance community education, and build public trust.

Vice Mayor Allbritton moved to authorize an increase to purchase orders to Florida Graphic Services, Inc of Clearwater, FL (Primary) and AMI Graphics, Inc of Strafford, NH and Outdoor America Images LLC dba OAI+Rainer (OAI) of Tampa, FL (Secondary) for Citywide Signs, Banners and Misc Other Items in the cumulative amount of \$175,000.00 bringing the contract total to \$200,000.00 annually for the initial term with two, one-year

renewal options pursuant to RFP 58-24 and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 6.7** Approve the renewal of a Sovereignty Submerged Lands lease with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the police station boat dock on Clearwater's South Beach and authorize the appropriate officials to execute same.

The City of Clearwater leases a small parcel of submerged lands from the State of Florida through the Board of Trustees of the Internal Improvement Trust Fund (TIITF) for use as a three-slip docking facility with a boat lift, adjacent to the Clearwater Police Beach Substation (704 Bayway Blvd, Clearwater FL 33767) on Clearwater's South Beach. The Lease must be renewed every five years and is of no cost to the City as long as the dock remains in use for fire and rescue purposes. The previous Lease expired, but due to hurricane delays it is being renewed now with an effective date of November 6, 2024, expiring November 6, 2029.

Councilmember Mannino moved to approve the renewal of a Sovereignty Submerged Lands lease with the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida for the police station boat dock on Clearwater's South Beach and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 6.8** Approve Guaranteed Maximum Price (GMP) 2, Amendment 4 to the Agreement with Ajax Building Company, LLC, of Midway, FL, for construction of Municipal Service Building (MSB) Renovations (23-0035-EN), in the amount of \$3,193,901.00, increasing the purchase order from \$5,822,660.00 to a not to exceed total of \$9,016,561.00, pursuant to Request for Qualifications 59-23 and authorize the appropriate officials to execute same.

City staff is requesting approval of GMP with authorization to conduct final negotiations with Ajax to refine schedule information to incorporate a phased move-in approach and potentially reduce amount of several line items. Final cost will not exceed the total GMP of \$9,016,561.00.

Ajax was selected via RFQ 59-23. December 19, 2023, City Council approved an agreement and \$369,965.00 pre-construction phase proposal to Ajax with \$110,605.00 funded by the MSB Renovations project and the remainder funded by the City Hall project. MSB renovations will improve space efficiencies of the existing 66,063 square foot facility allowing for right-sizing of the proposed City

Hall project, creating a productive workspace that meets specific needs of the remaining City departments while providing a comfortable and aesthetically pleasing atmosphere for employees and visitors alike.

September 17, 2024, City Council approved a \$362,616.00 purchase order for early procurement of an air handling unit for the MSB and a \$1,140,302.00 design work order with Wannemacher Jensen Architects (WJA). October 3, 2024, Council approved a \$5,712,055 Early Release package GMP 1 for the MSB Renovations that included early equipment purchases, selective interior demolition, millwork, doors, frames and hardware, glass, and glazing, framing and drywall, ceilings, painting, fire protection, HVAC, partial electrical and audio-visual costs. This approval brought the MSB Ajax PO to \$5,822,660.00 (MSB portion of the preconstruction phase fee and the Early Release Package GMP).

Combined efforts by City, Owners Representative Broaddus, Ajax and WJA, resulted in over \$2.5M in cost avoidance. Efforts include significant design work to reuse existing walls to reduce demo and new construction costs including the in-wall utilities, early release of air handling unit, vacating the entire facility versus one floor at a time, discounts from purchasing furniture concurrent with City Hall, relocation and temporary rental furniture reduction, and executing project concurrently with City Hall.

This MSB GMP covers the balance of the work for the project, including updated workspaces for city staff, new millwork, wall finishes, ceilings and flooring, as well as updates to fire sprinkler, plumbing, mechanical, electrical, and audio-visual-systems.

Current total MSB Renovations project costs for design, construction and furnishing is estimated to be \$13.7 million. The project funding includes \$10M of prior year General Fund revenue. The \$2M for MSB furniture was initially intended to be added to the project for a total of \$12M. An amendment is needed to provide additional revenue to fully fund the project, including additional funds as contingency for unforeseen costs for a total project budget of \$14M. First quarter amendments will transfer an additional \$4M from the sources listed below to provide the remaining funds necessary for the project.

Work will begin in February 2025 with an 8-month construction duration to substantial completion; followed by furniture set up and a phased staff move-in starting in October 2025.

APPROPRIATION CODE AND AMOUNT:

A first quarter budget amendment will include the following transfers to capital project ENGF230001, MSB Renovations, to provide total funding necessary to complete the project:

- A transfer of \$2,000,000 from capital project GSBM180001, General Facility Building Major Renovations (funded with General Fund revenues to provide for furnishings),

- A transfer of \$365,000 from capital project GSBM180009, New A/C Chiller Systems (funded with General Fund revenues to provide for the air handler unit),
- A transfer of \$274,000 from capital project ENGF220001, New City Hall (funded with General Fund revenues, this amount covers the previously included roof solar scope, photovoltaics and panel supports on the new City Hall),
- A transfer of \$500,000 from Administrative Services Fund reserves to provide for enhancements to building technology,
- And, a transfer of \$861,000 from General Fund reserves.

USE OF RESERVE FUNDS:

Funding for this purchase will be provided by a first quarter budget amendment allocating General Fund reserves in the amount of \$861,000 to capital improvement project ENGF230001, MSB Renovations. Inclusive of this item if approved, a net total of \$14,531,000 of General Fund reserves has been used to date to fund expenditures in the 2024/25 operating budget. The remaining balance in General Fund reserves after the 8.5% reserve is approximately \$41.4 million, or 18.3% of the current General Fund operating budget.

First quarter amendments will also include the allocation of Administrative Services Fund reserves in the amount of \$500,000 to capital improvement project ENGF230001, MSB Renovations. The remaining balance of Administrative Services Fund reserves after 25% working capital reserves is approximately \$11.5 million or 63% of the current Administrative Services Fund operating budget.

STRATEGIC PRIORITY:

The MSB Renovation project supports the four strategic priorities below. The renovations will improve indoor air quality and energy efficiencies while providing safe and streamlined public interface.

In response to questions, Public Works Director Marcus Williamson said as staff went through the scoping efforts, some of the alternates were not included because they would not be pursued, such bathroom work or new blinds. The estimated cost to move back into the facility was based on estimated cost to move out. The move-in costs should be cheaper. He said staff tried to redesign the MSB for a one-stop shop for Planning and Public Works but could not get the space to accommodate all of these employees on one floor within the budget constraint.

Councilmember Cotton moved to approve Guaranteed Maximum Price (GMP) 2, Amendment 4 to the Agreement with Ajax Building Company, LLC, of Midway, FL, for construction of Municipal Service Building (MSB) Renovations (23-0035-EN), in the amount of \$3,193,901.00, increasing the purchase order from

\$5,822,660.00 to \$9,016,561.00, pursuant to Request for Qualifications 59-23 and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 6.9** Amend Clearwater Code of Ordinances by creating Section 2.429 to permit firefighters to purchase prior firefighter and military service and pass Ordinance 9818-25 on first reading.

The City of Clearwater Employees' Pension Plan governs the payment of retirement benefits for City employees. Chapter 175, Florida Statutes permits firefighters to purchase prior firefighter and military service.

In 2024, the City and International Association of Fire Fighters agreed to a change in the Pension Plan. Current firefighters will now be eligible to purchase up to five years of prior firefighter and military service. Prior years of service are years that a member previously served as a firefighter for any other municipal, county, or state fire department or served in the military service. The purchased years of service will be added to the member's years of credited service. The member shall pay all costs associated with the purchased years of service. The Plan's actuary has studied the cost of this ordinance and has determined that there is no actuarial impact.

Ordinance 9818-25 was presented and read by title only.

Councilmember Teixeira moved to amend Clearwater Code of Ordinances by creating Section 2.429 to permit firefighters to purchase prior firefighter and military service and pass Ordinance 9818-25 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Rector, Vice Mayor Allbritton, Councilmember Cotton, Councilmember Mannino and Councilmember Teixeira

- 6.10** Request authority to appeal an amended final judgment against the City in the case of Giannikos v. City of Clearwater (Case No. 22-424-CI).

On May 28, 2019, Maximus Giannikos crossed the intersection of US19 and Gulf-to-Bay Blvd. when he was struck by a car driven by a private citizen who was not affiliated with the City. Mr. Giannikos then initiated a lawsuit against the City on January 26, 2022.

The case proceeded to a jury trial that occurred between September 9, 2024 and September 13, 2024. The trial was bifurcated with the issue of liability tried first. The jury returned a liability verdict finding the plaintiff 55% at fault for his own harm. Had the accident happened today, the liability verdict would have resulted in a judgment in favor of the City. Since it did not, the case proceeded to a damages trial where the jury returned a verdict more than the statutory cap.

The City filed four post-verdict motions. One was granted by the trial court but the other three were denied. The trial court then rendered an amended final judgment in Mr. Giannikos's favor.

The City Attorney's Office believes that the City's position at trial and its post-verdict motions were meritorious and that the City should appeal the amended judgment to the Second District Court of Appeal.

APPROPRIATION CODE AND AMOUNT:

Funds are available in the Central Insurance Fund code 5907590-545900, Insurance Claims-Liability. The Central Insurance Fund is an internal service fund of the City.

Vice Mayor Allbritton moved to request authority to appeal an amended final judgment against the City in the case of Giannikos v. City of Clearwater (Case No. 22-424-CI). The motion was duly seconded and carried unanimously.

6.11 Authorize the filing of a civil lawsuit against Stantec, Inc., Skanska USA, and their affiliated entities

The City hired Stantec to design Coachman Park. The City hired Skanska USA to construct Coachman Park as a construction manager at-risk (CMAR). In reviewing matters with city staff, it has been determined that one or both of these entities are responsible for certain design defects and construction defects. The City has engaged in productive conversations with Stantec and Skanska regarding these issues. However, those conversations have not fully resolved the City's concerns. As a result, the City Attorney's Office is seeking pre-approval to file a lawsuit in the event a resolution cannot be reached swiftly.

Design defects and latent construction defects can be highly technical. The City Attorney has engaged attorney Trevor Arnold with the law firm of Gray Robinson to represent the City in this lawsuit. Mr. Arnold is a board-certified specialist in construction law; he currently serves as the Construction Team Leader for Gray Robinson. The City Attorney recommends and requests approval to incur up to \$100,000 in litigation expenses, inclusive of both

attorney's fees and expert witness costs. As with any affirmative litigation, the duration and extent of litigation can be heavily influenced by the defendants and Judicial rulings. The actual cost may be significantly less. However, no additional cost will be incurred without Council approval.

APPROPRIATION CODE AND AMOUNT:

Funds are available in the City Attorney's Office cost code 0109600-530100, professional services, to fund this contract. The City Attorney's Office is funded by General Fund revenues.

One individual requested information regarding the matter.

The City Attorney said since the matter is associated with active litigation, he recommended not discussing the matter any further.

Councilmember Mannino moved to authorize the filing of a civil lawsuit against Stantec, Inc., Skanska USA, and their affiliated entities. The motion was duly seconded and carried unanimously.

7. City Manager Reports – None.

8. City Attorney Reports – None.

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

Councilmember Cotton said the Tampa Bay Estuary Program is a regional program that works to protect and restore the local ecosystems, which improves water quality, wildlife, and outdoor spaces. He said for every dollar the City has contributed to the program, the organization has leveraged \$281. He reviewed events that were hosted in Clearwater that engaged the public.

Vice Mayor Allbritton and Councilmembers Cotton, Teixeira and Mannino reviewed upcoming events and welcomed the Phillies back to Clearwater.

10. Closing Comments by Mayor

The Mayor reviewed recent and upcoming events.

11. Adjourn

The meeting adjourned at 7:08 p.m.

Attest

Mayor
City of Clearwater

City Clerk