

City of Clearwater

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



Meeting Minutes

Thursday, July 20, 2017

6:00 PM

Council Chambers

City Council

Roll Call

Present: 5 - Mayor George N. Cretekos, Vice Mayor Hoyt Hamilton, Councilmember Doreen Caudell, Councilmember Bob Cundiff and Councilmember Bill Jonson

Also Present: William B. Horne II – City Manager, Jill Silverboard – Deputy City Manager, Micah Maxwell – Assistant City Manager, Pamela K. Akin - City Attorney, Rosemarie Call - City Clerk and Nicole Sprague – Official Records and 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

2. Invocation – Pastor Robert Smurthwaite from Flowing River Church

3. Pledge of Allegiance – Councilmember Caudell

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 SEDA's Water Quality Person of the Year – Chriz Kuzler, Southeast Desalting Association

Mr. Kuzler presented the SEDA Water Quality Person of the Year Award to Rob Fahey, Awarded Posthumously. Sharon Fahey accepted the award on her husband's behalf.

4.2 July Service Awards

The July 2017 Employee of the Month Award was presented to Karl Pople, Police.

4.3 Recycling Perks - Katrina Miller, Recycling Specialist

Ms. Miller provided a PowerPoint presentation.

5. Approval of Minutes

- 5.1 Approve the minutes of the June 14, 2017 City Council Meeting as submitted in written summation by the City Clerk.

Councilmember Jonson moved to approve the minutes of the June 14, 2017 City Council Meeting 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

Thomas Rebman provided information detailing his experience with implementing homeless solutions and expressed concerns regarding Dr. Robert Marbut's qualifications.

Mr. James urged those who are willing to donate materials or volunteer their time and efforts to rehab a home to call him at (727)337-8786 and opposed limiting individuals speaking at a council meeting to three minutes.

Lisa Lanza expressed concerns with the Pinellas County Endangered Sea Turtles Program being in a state of disarray and requested the City follow-up with the Clearwater Marine Aquarium about them firing the only licensed individual to work with turtle nests.

7. Consent Agenda – Approved as submitted.

- 7.1 Approve a Second Amendment to Lease Agreement between Clearwater Golf Associates Inc. (Club), and the City of Clearwater (City) to extend rent relief for the remaining twelve years of the Agreement, set a schedule to complete irrigation replacements to the course by the Club and authorize the appropriate officials to execute same. (consent)
- 7.2 Approve a Lease Agreement between the City of Clearwater (City) and the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida (State) for use of the Florida Department of Transportation building and property located at 3204 Gulf to Bay Boulevard and authorize the appropriate officials to execute same. (consent)
- 7.3 Approve an agreement between USA Softball, Inc. f/k/a Amateur Softball Association of America, of Oklahoma City, Oklahoma, and the City of Clearwater, for hosting the 2017 XII WBSC Junior Women's Softball World Championship, July 23-30, 2017 and authorize the appropriate officials to execute same. (consent)
- 7.4 Approve the Multi-Agency Combined Voluntary Cooperation Mutual Aid Agreement

Special Case Response and Management Team for law enforcement services, which shall become effective and shall be ongoing as to the executing Parties upon execution by the Commissioner of the Florida Department of Law Enforcement and any additional Party or Parties, and authorize the appropriate officials to execute same. (consent)

- 7.5 Award Invitation to Bid 25-17, Antiscalant, to American Water Chemicals Inc. of Plant City, FL in the annual amount of \$60,000, including two one-year term extensions at the City's discretion, and authorize the appropriate officials to execute same. (consent)
- 7.6 Approve the award of Invitation to Bid 09-17, Mechanical, Electrical, and Plumbing Services, for a not-to-exceed annual amount of \$1,700,000 (\$950,000 Building and Maintenance and \$750,000 Public Utilities), including two one-year renewal terms at the City's discretion, and authorize the appropriate officials to execute same. (consent)
- 7.7 Appoint Michael Mack to the Marine Advisory Board to fill the remainder of an unexpired term through March 31, 2019. (consent)
- 7.8 Appoint Amelia Wallon to the Library Board to fill the remainder of an unexpired term through February 28, 2019. (consent)
- 7.9 Authorize a contract between Property Registration Champions Corp., a Florida Corporation and a Community Champions Company, and the City of Clearwater to manage the City's Foreclosure Property Registry utilizing collected registration funds and authorizes the appropriate officials to execute same. (consent)

Councilmember Caudell 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 Termination of the Development Agreement between Bayway Hotel Holdings, LLC (the property owner) and the City of Clearwater, providing for the allocation of 15 units from the Hotel Density Reserve under Beach by Design and confirm a second public hearing in City Council Chambers before City Council on August 3, 2017 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2014-08006, 706 Bayway Boulevard)

On December 2, 2014, a Development Agreement was made effective between the property owner and the City of Clearwater which provided 15 units from the Hotel Density Reserve (HDA2014-08006/Resolution 14-35).

Section 6.1.3.1 of the Development Agreement required the Property Owner to develop the Property in substantial conformance with the conceptual site plan attached to the Agreement.

Section 6.1.6 provides that all units in the hotel shall be made available to the public as overnight transient hotel guests at all times through the required hotel reservation system. Occupancy in the hotel is limited to a term of less than one month or thirty-one consecutive days, whichever is less. Units in the hotel shall not be used as a primary or permanent residence.

After receiving approval of HDA2014-08006 the applicant submitted the associated site plan for approval as part of a Level II Flexible Development application (FLD2015-06025). This application was approved by the Community Development Board on September 15, 2015. Permits (BCP2015-12534 and BCP2016-03372) for site and building construction were submitted on December 19, 2015 and March 15, 2016, respectively. Pursuant to CDC Section 4-407 building permits were to have been obtained within six months of the initial permit application. As of February 9, 2017 both permits have been voided due to lack of response from the applicant.

On March 14, 2017, an application (FLD2016-12039) for a Resort Attached Dwellings development on the subject site was approved by the Community Development Board (CDB). On April 3, 2017 a permit (BCP2017-04049) was submitted consistent with this more recent site plan approval. The City has determined that the Property Owner has abandoned development of the Property consistent with conceptual site plans that were part of the Agreement, and the Property Owner sought approval for entirely new site plans, which were approved by the Community Development Board on March 21, 2017 as part of a Level II Flexible Development application (FLD2016-12039) for Resort Attached Dwellings.

The applicant has submitted a request to terminate the Development Agreement thus returning the allotted 15 units back to the reserve. Once returned to the Reserve these units would be available for application.

Pursuant to Section 13 of the Agreement notices have been provided to:

Bayway Hotel Holdings, LLC
20001 Gulf Blvd., Suite 5
Indian Shores, FL 33785

E.D. Armstrong III
Hill Ward Henderson
101 E. Kennedy Blvd., Suite 3700
Tampa, FL 33602

Councilmember Cundiff moved to confirm a second public hearing in City Council Chambers before City Council on August 3, 2017 at 6:00 p.m., or as soon thereafter as may be heard. The motion was duly seconded and carried unanimously.

- 8.2** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 3070 Grand View and 3041 Hoyt Avenues, and the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 900 Madera Avenue, together with certain abutting rights-of-way of San Jose and San Pedro Streets; and pass Ordinances 9043-17, 9044-17, and 9045-17 on first reading. (ANX2017-05010)

These voluntary annexation petitions involve 0.658-acres of property consisting of three parcels of land occupied by single-family dwellings. The properties are located generally north of Drew Street, south of SR 590, and within ¼ mile west or east of North McMullen Booth Road. The applicants are requesting annexation in order to be connected to the city sanitary sewer as part of the Kapok Terrace Sanitary Sewer System Extension Project. The properties are located within an enclave and are contiguous to existing city boundaries on at least one side. It is proposed that the property at 900 Madera Avenue be assigned a Future Land Use Map designation of Residential Urban (RU) and the remaining properties be assigned Residential Low (RL). All properties are proposed to be given a Zoning Atlas designation of Low Medium Density Residential (LMDR). The Development Review Committee is proposing that 0.436-acres of San Jose and San Pedro Streets right-of-way also be annexed. The Planning and Development Department determined that the proposed annexations are consistent with the provisions of Community Development Code Section 4-604.E as follows:

- The properties currently receive water service from the City of Clearwater. The applicants will connect to the City's sanitary sewer service when it is available, and are aware of the fee that must be paid in order to connect and the financial incentives available. Collection of solid waste will be provided by the City of Clearwater. The properties are located within Police District III and service will be administered through the district headquarters located at 2851 McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station 49 located at 565 Sky Harbor Drive. The City has

adequate capacity to serve the properties with sanitary sewer, solid waste, police, fire and EMS service. The proposed annexations will not have an adverse effect on public facilities and their levels of service; and

- The proposed annexations are consistent with and promote the following objectives and policy of the Clearwater Comprehensive Plan:
 - Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.
 - Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.
 - Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.
- The proposed Residential Urban (RU) and Residential Low (RL) Future Land Use Map categories are consistent with the current Countywide Plan designation of the properties. The Residential Low (RL) designation primarily permits residential uses at a density of 5 units per acre, and the Residential Urban (RU) designation primarily permits residential uses at a density of 7.5 units per acre. The proposed zoning district to be assigned to the properties is the Low Medium Density Residential (LMDR) District. The use of the subject properties are consistent with the uses allowed in the District and the properties exceed the District's minimum dimensional requirements. The proposed annexations are therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The properties proposed for annexation are contiguous to existing city boundaries on at least one boundary; therefore the annexations are consistent with Florida Statutes Chapter 171.044.

Vice Mayor Hamilton moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 3070 Grand View and 3041 Hoyt Avenues, and the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 900 Madera Avenue, together with certain abutting rights-of-way of San Jose and San Pedro Streets. The motion was duly seconded and carried unanimously.

Ordinance 9043-17 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 9043-17 on first

reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

Ordinance 9044-17 was presented and read by title only. Councilmember Caudell moved to pass Ordinance 9044-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

Ordinance 9045-17 was presented and read by title only. Councilmember Cundiff moved to pass Ordinance 9045-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

8.3 Approval of a Development Agreement between Gulfview Lodging, LLP (the property owner) and the City of Clearwater, providing for the allocation of up to 59 units from the Hotel Density Reserve under Beach by Design, adopt Resolution 17-19 and authorize the appropriate officials to execute same. (HDA2017-04001)

Development Proposal:

Since the City Council Meeting of Wednesday June 14, 2017 the applicant has revised Sheets A5_2, 3, 6 and 7 of their submittal (elevations) to correct a few scrivener's errors. No other changes have been made to the submittal. The current proposal is to demolish all structures on the site and build a seven-floor hotel with 88 hotel rooms (150 units per acre). It is important to note that the proposed number of units (88) is dependent on the vacation of 2,195 square feet of the South Gulfview Boulevard. This point is noted in Section 6.2.4 of the Development Agreement. This area is included in the total site area of 0.59 acres.

The applicant intends to request a Termination of Status of Nonconformity as part of a Level II Flexible Development application. Approval of that application (not yet submitted) would render the 32 existing units on the hotel parcel (where 18 are otherwise permitted at 50 units per acre) conforming. The north parcel yields 11 hotel units. Assuming approval of a Termination of Status of Nonconformity request the total number of permitted units would be 43. The 88 total proposed units include those 43 units and an additional 45 units from the Hotel Density Reserve through *Beach by Design*. The applicant is requesting 59 units from the Reserve in the event a Termination of Status of

Nonconformity is either not requested or denied in order to maintain the designed density of 150 units per acre or 88 units.

Consistency with the Community Development Code:

No changes have been made to the Conceptual Site Plan presented at the June 14, 2017 City Council meeting. The Conceptual Site Plan continues to appear to be consistent with the CDC with regard to:

- Minimum Lot Area and Width
- Minimum Setbacks
- Maximum Height
- Minimum Off-Street Parking
- Landscaping

Consistency with Beach by Design:

No changes have been made to the Conceptual Site Plan presented at the June 14, 2017 City Council meeting. The Conceptual Site Plan continues to appear to be consistent with the *Beach by Design* with regard to:

- Design Guidelines
- Hotel Density Reserve

Standards for Development Agreements:

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 the allocation of up to 59 units from the Hotel Density Reserve;
- Requires the developer to obtain building permits and certificates of occupancy in accordance with Community Development Code (CDC) Section 4-407;
- 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 accommodation 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 CDC Section 4-606.I., 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 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.

The Planning and Development Department is recommending approval of this Development Agreement for the allocation of up to 59 units from the Hotel Density Reserve under *Beach by Design*.

In response to questions, Planning and Development Director Michael Delk said urban centers may be interpreted in different ways. Clearwater Beach is an urban environment; based on FDOT's intent of the urban center policy, staff would not consider the subject area an urban center per se. Beach by Design included guidelines for sidewalks; these guidelines may vary as needed or as necessary. Mr. Delk said staff will support matching the sidewalk width when the opportunity arises; staff is working with the street the City built.

Applicant Representative Brian Aungst reviewed the request. As it relates to widening the sidewalk on Coronado Drive, the Applicant agrees with the staff; it would not be consistent with council policy or match the 7-ft. sidewalk built by the City on Coronado Drive. Mr. Aungst said the area that will be used for landscaping fronts Coronado Drive; there will be a significant setback from the sidewalk with attractive landscaping. The request to widen the sidewalk would require to take a portion of the Applicant's property. Mr. Aungst said no other applicant has been asked by Council to provide a 10-ft. sidewalk on Coronado Drive.

In response to questions, Mr. Aungst said the conceptual site plan shows a 15-ft. landscape buffer between the sidewalk on Coronado Drive and the building. The Applicant does not know if staff and CDB will require the entire landscape buffer. Engineering Director Mike Quillen said there are no serious flooding issues on Coronado Drive; the City installed a new drainage system when Beachwalk was built.

One individual spoke in opposition.

One individual spoke in support.

In response to questions, Mr. Aungst said the northwest side of the building is not a flat plane and includes architectural details required by code, such as stepbacks. The proposed project meets all requirements for approval but is inconsistent with other projects that were awarded density reserve units because it is less than 100 ft. tall. The proposed project has 15-ft. setbacks from Coronado Drive and reduces the canyon effect.

Mr. Aungst said the Applicant will work out any concerns raised by Frenchy's before the request goes before the Community Development

Board.

Discussion ensued with comments made that the proposal meets city code and eliminates a canyon effect. A suggestion was made that the width of the sidewalks in the area should be incrementally increased.

Vice Mayor Hamilton moved to approve a Development Agreement between Gulfview Lodging, LLP (the property owner) and the City of Clearwater, providing for the allocation of up to 59 units from the Hotel Density Reserve under Beach by Design. The motion was duly seconded and carried with the following vote:

Resolution 17-19 was presented and read by title only. Councilmember Cundiff moved to adopt Resolution 17-19. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell and Councilmember Cundiff

Nays: 1 - Councilmember Jonson
Motion carried.

- 8.4** Authorize an agreement between the City of Clearwater and Forward Pinellas, to receive a Complete Streets Concept Planning Grant in the amount of \$50,000 to prepare a Complete Streets Concept Plan for Drew Street from North Osceola Avenue to US Highway 19, authorize the appropriate officials to execute same and adopt Resolution 17-23.

On October, 3, 2016, Forward Pinellas sent out a call for Complete Streets projects, asking local governments to submit applications to request funding for their Complete Streets projects. The Forward Pinellas Complete Streets Program provides annual, competitive funding for both the planning and construction of Complete Streets projects countywide.

The Planning and Development Department had submitted an application for a Complete Street Concept Plan for Drew Street from North Osceola Avenue to US Highway 19. The City's primary goal for this Project is to develop a Complete Streets Concept Plan that will enhance safety, mobility, and accessibility while considering character criteria of Drew Street corridor. The Project has the strong support of local communities who asked the City to pursue the Forward Pinellas Complete Streets grant. Residents, businesses, and schools see the potential to make Drew Street safer, more livable, and a better street for commerce. Complete Street improvements on Drew Street would work in harmony with a broad spectrum of city and countywide plans, especially those addressing designated activity centers on both ends of the

Project. The estimated cost of Complete Street conceptual planning for the 4.2-mile Project is \$100,000.

This project will complement Forward Pinellas's SR-60 Corridor Multimodal Implementation Strategies Plan project currently underway. The Drew Street Concept Plan is expected to comprehensively guide the corridor layout design improvements by utilizing the principles of Complete Streets, and will further support other City initiatives by establishing the best approach to develop a Citywide Complete Streets Implementation Plan.

On March 8, 2017, Forward Pinellas selected the City to receive one of the Complete Streets grants in the amount of \$50,000 to be matched by the City through direct funding and in-kind services. The grant funding will be used for consulting services to produce a comprehensive concept plan and provide assistance in the project's community outreach and stakeholders' engagement activities.

Resolution 17-23 Exhibit A is the Memorandum of Agreement between the City and Forward Pinellas. The City would be contractually obligated to complete the project activities by July 1, 2018 consistent with the scope of work that is part of the agreement.

APPROPRIATION CODE AND AMOUNT:

Funds are available in cost code 010-01420-530100, Professional Services, to fund the City's portion of this agreement.

Vice Mayor Hamilton moved to authorize an agreement between the City of Clearwater and Forward Pinellas, to receive a Complete Streets Concept Planning Grant in the amount of \$50,000 to prepare a Complete Streets Concept Plan for Drew Street from North Osceola Avenue to US Highway 19, authorize the appropriate officials to execute same.

Resolution 17-23 was presented and read by title only. Councilmember Jonson moved to adopt Resolution 17-23. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 9029-17 on second reading, amending multiple sections of the Community Development Code relating to sign regulations; amending sections regulating exempt signs, prohibited signs, temporary signs and signs requiring

development review; deleting Section 3-1805 General Standards and adding a new Section 3-1805 General Provisions for Signs.

In response to questions, Assistant City Attorney Camilo Soto said the dwell time for the electronic signs was every ten minutes and applies to churches and schools. The provision is not available to entities not listed.

Resolution 9029-17 was presented and read by title only. Councilmember Caudell moved to adopt Ordinance 9029-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 9.2** Adopt Ordinance 9033-17 on second reading, annexing certain real property whose post office address is 3059 Cherry Lane, Clearwater, Florida 33759, into the corporate limits of the city, and redefining the boundary lines of the city to include said addition.

Ordinance 9033-17 was presented and read by title only. Councilmember Cundiff moved to adopt Ordinance 9033-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 9.3** Adopt Ordinance 9034-17 on second reading, amending the future land use element of the Comprehensive Plan of the city, to designate the land use for certain real property whose post office address is 3059 Cherry Lane, Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Residential Urban (RU).

Ordinance 9034-17 was presented and read by title only. Vice Mayor Hamilton moved to adopt Ordinance 9034-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 9.4** Adopt Ordinance 9035-17 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 3059 Cherry Lane, Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9035-17 was presented and read by title only. Councilmember Jonson moved to adopt Ordinance 9035-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 9.5** Adopt Ordinance 9036-17 on second reading, annexing certain unaddressed real property located on the south side of Otten Street approximately 330 feet west of North Highland Avenue, in Clearwater, Florida 33755, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 9036-17 was presented and read by title only. Councilmember Caudell moved to adopt Ordinance 9036-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 9.6** Adopt Ordinance 9037-17 on second reading, amending the future land use element of the Comprehensive Plan of the city, to designate the land use for certain unaddressed real property located on the south side of Otten Street approximately 330 feet west of North Highland Avenue, in Clearwater, Florida 33755, upon annexation into the City of Clearwater, as Residential Low (RL).

Ordinance 9037-17 was presented and read by title only. Councilmember Cundiff moved to adopt Ordinance 9037-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 9.7** Adopt Ordinance 9038-17 on second reading, amending the Zoning Atlas of the city by zoning certain unaddressed real property located on the south side of Otten Street approximately 330 feet west of North Highland Avenue, in Clearwater, Florida 33755, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9038-17 was presented and read by title only. Vice Mayor Hamilton moved to adopt Ordinance 9038-17 on second and final reading. The motion was duly seconded and upon roll call, the

vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 9.8** Adopt Ordinance 9039-17 on second reading, annexing certain real property whose post office address is 3035 Hoyt Avenue, Clearwater, Florida 33759 into the corporate limits of the city, and redefining the boundary lines of the city to include said addition.

Ordinance 9039-17 was presented and read by title only. Councilmember Jonson moved to adopt Ordinance 9039-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 9.9** Adopt Ordinance 9040-17 on second reading, amending the future land use element of the Comprehensive Plan of the city, to designate the land use for certain real property whose post office address is 3035 Hoyt Avenue, Clearwater, Florida 33759 upon annexation into the City of Clearwater, as Residential Low (RL).

Ordinance 9040-17 was presented and read by title only. Councilmember Caudell moved to adopt Ordinance 9040-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 9.10** Adopt Ordinance 9041-17 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 3035 Hoyt Avenue, Clearwater, Florida 33759 upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9041-17 was presented and read by title only. Councilmember Cundiff moved to adopt Ordinance 9041-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

- 9.11** Withdraw Ordinance 9050-17 on second reading, extending the temporary moratorium imposed by Ordinance 8995-17 on the operation of any additional

Dispensing Organizations that dispense Low- THC Cannabis or Medical Cannabis or on the operation of Medical Marijuana Treatment Centers within the city for an additional period of ninety days.

Vice Mayor Hamilton moved to withdraw Item 9.11. The motion was duly seconded and carried unanimously.

9.12 Adopt Ordinance 9052-17 on second reading, amending the Operating Budget for the fiscal year ending September 30, 2017 to reflect increases and decreases in revenues and expenditures for the General Fund, Special Program Fund, Solid Waste and Recycling Fund, Gas Fund, and Parking Fund.

Ordinance 9052-17 was presented and read by title only. Councilmember Jonson moved to adopt Ordinance 9052-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

9.13 Adopt Ordinance 9053-17 on second reading, amending the Capital Improvement Budget for the fiscal year ending September 30, 2017, to reflect a net increase of \$21,104,496.

Ordinance 9053-17 was presented and read by title only. Councilmember Caudell moved to adopt Ordinance 9053-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

10. City Manager Reports

10.1 Adopt a tentative millage rate of 5.1550 mills for fiscal year 2017/18; set public hearing dates on the budget for September 7, 2017 and September 18, 2017, to be held no earlier than 6:00 p.m., and schedule a special council meeting on August 2, 2017 at 2:00 p.m. to fully discuss the proposed budget.

In accordance with the Truth in Millage (TRIM) process, the City Council must adopt a tentative millage rate and set public hearing dates prior to finalizing and adopting a budget. This information must be provided to the Pinellas County Property Appraiser and Tax Collector by August 4, 2017. The City's proposed millage rate and public hearing dates will be included on the TRIM

notices mailed to taxpayers in August. This tentative rate cannot be increased without first-class mailing notification to each taxpayer at the expense of the City of Clearwater, not less than 10 days and not more than 15 days before the public hearing.

The City Manager's recommended millage rate is 5.1550 mills, the same millage rate as the current year. This rate is 6.86% more than the rolled back rate of 4.8241 mills. The rolled-back rate is the millage rate that will provide the City with the same property tax revenue as was levied in the prior year. If the proposed millage rate of 5.1550 mills is adopted, the City's ordinance adopting the millage rate will reflect a 6.86% increase from the rolled-back rate of 4.8241 mills.

The proposed millage rate as well as other TRIM millage rates will be noted on the 2017 compliance forms as follows:

- 5.1550 mills - Tentative millage rate
- 4.8241 mills - Rolled-back millage rate
- 6.9632 mills - Maximum majority vote rate
- 7.6595 mills - Maximum two-thirds vote rate

Budget Manager Kayleen Kastel provided a PowerPoint presentation.

In response to questions, Ms. Kastel said the Save Our Homes cap increased this year by 2.1%; last year it was 0.7%. The property tax increase is capped at 3% or the CPI increase, whichever is lesser. The City Clerk said the August 2 meeting will be a special council meeting at which motions may be made directing changes to the budget.

One individual suggested lowering the utility rates and reducing the Parks and Recreation budget, as it includes funding for entertainment.

The City Manager said staff has identified the following topics to be discussed at the August 2 meeting: Neighborly Care Network grant request (\$25,000), 2-1-1 grant request (\$5,000), PSTA contract increase and proposed Full-Time Equivalent increases. The items have been factored into the proposed budget but council approval is needed. He requested councilmembers provide him additional discussion topics prior to the meeting.

The City Manager was directed to highlight those items that have been implemented to improve city processes.

Vice Mayor Hamilton moved to adopt a tentative millage rate of 5.1550 mills for fiscal year 2017/18; set public hearing dates on the budget for September 7, 2017 and September 18, 2017, to be held

no earlier than 6:00 p.m., and schedule a special council meeting on August 2, 2017 at 2:00 p.m. to fully discuss the proposed budget. The motion was duly seconded and carried unanimously.

10.2 Approve a recommendation by the Public Art and Design Board for the commission of a public art installation for the Morningside Recreation Center located at 2400 Harn Boulevard, as designed by artist Guy Kemper for a total cost of \$55,000.00 to be funded from Morningside Recreation Center Construction (CIP 315-93251).

The theme and scope of the project was determined with input from representatives of the project construction team, Public Art & Design Board, Parks & Recreation Department, and the Morningside Neighborhood Home Owners Associations. The desired intent of this project is to commission public artwork that serves as an artistic enhancement to the glass windows of the main entry and fitness center window wall of the main entrance and central atrium at the Morningside Recreation Center.

The Public Art and Design Board appointed a five-member Selection Panel comprised of individuals representing specified interests and expertise as follows:

Karen Cunningham (Chair), representative of the Public Art & Design Board
Spencer Cook, president, Morningside Meadows Homeowners Association
Regina Novak, representative of the Parks & Recreation Department
Norene Marlow, president, Morningside Homeowners Association
Judith Powers, artistic representative

A limited invitation Call to Artists was issued to three artist finalists. On March 17, 2017, the Selection Panel met to review the applicants' credentials and selected artist Guy Kemper, as his vibrantly colored window patterns best fit the theme and artistic desires of the project stakeholders.

On June 8, 2017, the Public Art & Design Board unanimously approved the recommendation to commission Mr. Kemper. The Board is recommending this artist's proposal of public artwork to the City Council.

This item supports the City's Strategic Vision by providing public art for the citizens and visitors of Clearwater, making the city a better place to live, learn, work, visit and play. This commission represents the City's ongoing commitment to the Public Art & Design Program through commissions of public art for city capital improvement projects, a process that is not affected by the mandatory to voluntary transition of the Public Art in Private Development program.

APPROPRIATION CODE AND AMOUNT:

Funds are available in capital improvement project 315-93251, Morningside

Recreation Center Construction, to fund this contract.

In response to a question, Parks and Recreation Director Kevin Dunbar said the item before Council is not sensitive and can be postponed to the next council meeting.

Discussion ensued regarding the public art process with comments made that the Clearwater Arts Alliance supported the recommended art commission, art is personal and subjective. It was suggested that future consideration be given to amending the public art approval process. A concern was expressed with the placement of the art; no other city facility would have translucent doors, impeding one's ability to see into the facility.

Mr. Dunbar said the lobby is designed for people to in and broadcast out to the programming spaces. Once inside the lobby, individuals will be able to see into the fitness room.

Councilmember Jonson moved to continue Item 10.2 to August 3, 2017. The motion was duly seconded and failed with the following vote:

Ayes: 2 - Councilmember Jonson and Councilmember Cundiff

Nays: 3 - Mayor Cretekos, Vice Mayor Hamilton and Councilmember Caudell
Motion failed.

Councilmember Caudell moved to approve a recommendation by the Public Art and Design Board for the commission of a public art installation for the Morningside Recreation Center located at 2400 Harn Boulevard, as designed by artist Guy Kemper for a total cost of \$55,000.00 to be funded from Morningside Recreation Center Construction (CIP 315-93251). The motion was duly seconded and and carried with the following vote:

Ayes: 4 - Mayor Cretekos, Vice Mayor Hamilton, Councilmember Caudell and Councilmember Cundiff

Nays: 1 - Councilmember Jonson
Motion carried.

10.3 Approve a referendum question for the city voters to consider a charter amendment to allow for the construction and maintenance of certain improvements and the use for other than open space in the area west of Osceola Avenue between Drew Street and Pierce Street lying below the 28-foot mean sea level elevation, known as the downtown waterfront, call for a special city election to be held in conjunction with the county election on November 7, 2017, and pass Ordinance 9063-17 on first reading.

In an effort to further existing initiatives, the City of Clearwater contracted with

the Urban Land Institute (ULI) to evaluate the City's vision and strategies for the development of the downtown. The Urban Land Institute is the nation's premier nonprofit urban planning and real estate education and research institution representing the entire spectrum of land use and development disciplines.

The creation of a master plan for the downtown waterfront area was identified as a priority project by the Urban Land Institute (ULI) Advisory Services Panel during their study of Downtown Clearwater in June, 2014. Subsequently, the City issued Request for Proposal 04-16 for consulting services to prepare a master plan for the Downtown waterfront/bluff area, which was awarded to the HR & A Advisors, Inc. on April 21, 2016, for the Downtown waterfront master plan (*Imagine Clearwater*).

Over the course of six months, the City engaged hundreds of Clearwater residents, business owners and other stakeholders who shared their broad visions and specific design and programming ideas for their future waterfront. The City's consultant team conducted over 40 interviews with local stakeholders, including developers, real estate brokers, small business owners, and Downtown property owners. The City hosted seven interactive community workshops in various Clearwater neighborhoods to share progress on *Imagine Clearwater* and allow members of the community to engage directly with the planning and design team on specific elements of the plan including: a vision for the waterfront and bluff; the character of various places throughout the study area; the role of waterfront recreation, parks and open space, and economic development opportunity within the overall vision; and the City convened a group of 18 Clearwater residents active in resident affairs, the local business community, local institutions and community organizations to play a supporting role in the City's robust outreach process.

In addition, materials related to *Imagine Clearwater* were posted on a dedicated website and the City's Facebook page and community members were invited to call and email the City to provide direct verbal feedback and engage with elements of the plan as it was formed.

The goal of *Imagine Clearwater* is to draw residents and visitors to the Downtown waterfront, catalyze greater Downtown activity and attract investment, and better connect the waterfront to the rest of Clearwater. Four key strategies underpin the recommendation of *Imagine Clearwater*: the waterfront must be anchored by a dynamic new open space; Coachman Park needs an active edge; an improved Osceola should complement Cleveland Street; and access to the site should incorporate all modes.

In order to realize the community's vision for *Imagine Clearwater*, an Action Plan provides a series of strategic implementation recommendations to serve as a starting point for the City and its partners to refine and advance.

The City Council unanimously voted to adopt *Imagine Clearwater* by Resolution 17-13; however, the Clearwater City Charter Section 2.01(d),

Limitations, contains certain limitations on the legislative power of the City Council. Section 2.01(d)(6) prohibits the development or maintenance for other

than as open space and public utilities of certain property lying below the 28-foot mean sea level elevation of Osceola Avenue on the east, Clearwater Harbor on the west, Drew Street on the north and Chestnut Street on the south, and the Memorial Causeway without a referendum.

As a result, the following amendments to Charter §2.01(d)(6) are proposed in order to allow the implementation of Imagine Clearwater. First, the proposed ordinance defines the term "open space" for the purposes of the charter section to include sidewalks, boardwalks, elevated walkways, trails, roadways, stairs, benches, tables, water fountains, litter receptacles, lighting, wayfinding, similar amenities, and surface parking. Secondly the proposed ordinance allows as an exception to the open space limitation certain uses and facilities specifically playgrounds, splash pad, water features, artwork and similar amenities. Additionally public restrooms and Park storage may be constructed. The amendment also specifically allows the licensing of events, temporary booths for vending and mobile concessions. In the portion of the section which addresses the boat slip facility, language allowing for a boathouse for storage of non-motorized recreational equipment such as canoes, kayaks, paddle boards and paddleboats, and a boat ramp to be constructed for such non-motorized recreational equipment is added.

The ordinance calls for a special city election to be held in conjunction with the County election on November 7, 2017 for purpose of consideration of the Charter amendment.

The City Attorney said the ordinance would implement Imagine Clearwater as it relates to the property that lies at the 28-ft. line down to Pierce Street; it does not impact those properties fronting Osceola Avenue. The ordinance defines open space and addresses the park and waterfront uses. The boathouse and restroom structure will not exceed 2,000 sq. ft.

In response to questions, the City Attorney said the amendments to the charter are permissive but not required, allowing the City to build a boathouse or a ramp for the non-motorized recreational equipment. The charter contains language that allows the rental of non-motorized recreational equipment.

Councilmember Cundiff moved to approve a referendum question for the city voters to consider a charter amendment to allow for the construction and maintenance of certain improvements and the use for other than open space in the area west of Osceola Avenue between Drew Street and Pierce Street lying below the 28-foot mean sea level elevation, known as the downtown waterfront, call for a special city election to be held in conjunction with the county election on November 7, 2017. The motion was duly seconded and carried unanimously.

A scrivener's error was noted on page 4 (line 6); 'amenities' was misspelled.

Councilmember Jonson moved to amend Ordinance 9063-17 (page 4, line 33) to read, "...equipment may be permitted allowed. Except for a ramp..." The motion was duly seconded and carried unanimously.

Councilmember Caudell moved to amend the referendum question to read as follows: "Shall City Charter Section 2.01(d)(6) be amended as provided in Ordinance 9063-17 to allow the construction and maintenance of certain improvements including playgrounds, water features, artwork, a boathouse, Marina office, restrooms, surface parking, roadways, plazas, sidewalks, trails, elevated walkways, boardwalks, benches, picnic tables, water fountains, litter receptacles and similar amenities, to support the active and passive uses of the city owned Downtown Waterfront, generally bounded by Pierce St., Drew St., the Bluff and the water. " The motion was duly seconded and carried unanimously.

One individual spoke in opposition, expressing safety concerns with kayak rentals.

*The City Attorney said the change needed for the special act property relates to the inability to have carnivals or shows of any nature; Council will be moving forward to the Legislature at a later date. Imagine Clearwater proposes to locate the amphitheater in that area. The referendum for the charter amendment is needed because the charter currently **allows open space only, not recreation space. Staff was aware that structures and improvements in the area would require a charter amendment. The City Attorney said Imagine Clearwater was not limited to the charter; it was the basis for changing the charter.*

The Council recessed from 8:12 p.m. to 8:20 p.m.

In response to questions, the City Attorney said the City is piggybacking on the County's November election for Penny for Pinellas renewal. Open space is being defined to include a trail; defining open space in the charter avoids any potential legal challenges.

Ordinance 9063-17 was presented and read by title only. Vice Mayor Hamilton moved to pass Ordinance 9063-17 on first reading, as amended. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hamilton, Councilmember Caudell, Councilmember Cundiff and Councilmember Jonson

11. City Attorney Reports - None

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

Councilmember Caudell said she and the director of Forward Pinellas went to Boca Raton for an all state MPO meeting where a report regarding federal level legislative priorities were discussed. The report was unanimously approved with an added priority to help save the federal TIGER grant funding.

Councilmember Jonson reminded all that the Suncoast League of Cities will sponsor a breakfast at the Florida League of Cities Annual Conference on Saturday. He said it was great to see the opening of the trail in Northeast Pinellas County this morning. He said PSTA student passes are still available for purchase for \$15.00 which includes unlimited rides until the end of August. He commented on a recent trip to Ireland and read an article in the Dublin Times regarding how their Council rejected a development due to height and how it would detract from surrounding structures.

13. Closing Comments by Mayor

Mayor Cretelos reviewed recent and upcoming events and offered condolences to Cynthia Goudeau and Rosemarie Kibitlewski for their recent loss.

14. Adjourn

The meeting adjourned at 8:28 p.m.

Attest

Mayor
City of Clearwater

City Clerk