

City of Clearwater

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



Meeting Minutes

Thursday, August 7, 2014

6:00 PM

Council Chambers

City Council

Roll Call

Present: 5 - Mayor George N. Cretekos, Vice Mayor Doreen Hock-DiPolito, Councilmember Bill Jonson, Councilmember Hoyt Hamilton and Councilmember Jay E. Polglaze

Also Present: William B. Horne II - City Manager, Jill S. Silverboard - Assistant City Manager, Pamela K. Akin - City Attorney, Rosemarie Call - City Clerk, 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.

DRAFT

1. Call to Order - Mayor Cretekos

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

2. Invocation - Mayor Cretekos

3. Pledge of Allegiance – Councilmember Polglaze

4. Special recognitions and awards (Proclamations, service awards, or other special recognitions) – Given.

4.1 Diversity Leadership Council Poster Contest

In the 6- 9-year-old category:

3rd Place - **Ryan Cormier**, age 9 from Countryside Rec Center.

2nd Place - **Rhian Peterson**, age 9, from Countryside Rec Center.

1st Place - **Abigail Krueger**, age 7 from Countryside Recreation Center.

In the 10 - 13-year-old category:

3rd Place - **Ricky Anderson**, age 12 from Ross Norton Park.

2nd Place - **Zoe McDonald**, age 13 from the Long Center.

1st Place - **Jamel James Hodges**, age 13 from Ross Norton Park.

In the 14 and up category:

1st place - **Patrick Reinert**, age 14 from Countryside Rec Center.

Grand Prize category:

2nd Grand Prize Runner-up goes to 13-year-old **Zoe McDonald**

1st Grand Prize runner-up goes to 7-year-old **Abigail Krueger**

Grand Prize to 13-year-old **Jamel James Hodges**

4.2 Police Chief Oath

The City Clerk administered the Oath of Office to Police Chief Daniel Slaughter.

4.3 U.S. Coast Guard Presentation of Appreciation to Council - Manny Sossa, USCG Auxiliary Clearwater Flotilla Commander

Mr. Sossa thanked Police Chief Anthony Holloway for his service and presented him with a commemorative Oar of Appreciation.

4.4 US Coast Guard Proclamation, August 2014 – Petty Officer Craig Sappo, Station Sand Key and Lt. Ian Sibberson, Air Station Clearwater

4.5 General Aviation Airport of the Year Award - Bill Morris, Marine and Aviation Director and Gordon Wills, Airport Operations Manager

4.6 Purple Heart Day Proclamation, August 7, 2014 - Father Bob Swick

5. Approval of Minutes

5.1 Approve the minutes of the July 17, 2014 City Council meeting as submitted in written summation by the City Clerk.

Vice Mayor Hock-DiPolito moved to approve the minutes of the July 17, 2014 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

Tom Petersen said congestion on Ft. Harrison Avenue has increased due to construction work on Osceola Avenue and expressed concern that traffic will increase if the Clearwater Marine Aquarium is built. He requested money be spent on a solution to the possible problem.

Dale Allen, Edmund Rouisse, Tim Sasser, Cora Rouisse, and Denese Tillery expressed concerns with noise from late night basketball games at a neighborhood church and cars parked on the street.

It was requested that staff provide a report at a work session.

Joseph Corvino thanked the City Manager and Council for their efforts.

7. Consent Agenda – Approved as submitted.

- 7.1** Ratify and confirm accepting repayment of two loans appropriated to the Community Redevelopment Agency (CRA) by City Resolutions 05-19 and 08-12 from the EPA Brownfields Cleanup Revolving Loan Fund (BCRLF) utilized by the CRA to meet specific expenses incurred for the environmental cleanup of real property identified as Pinellas County parcels 15/29/15/65196/000/0030, 0034, 0060, 0061, 0062 and 0063 (Clearwater Automotive Salvage Yard) and approving a 30% discount per EPA rules for a total repayment of \$454,179; and approve expenditure of \$194,648 reflecting the write-off of the 30% loan discount, to be charged to the Brownfield Revolving Loan Fund. (consent)
- 7.2** Declare as surplus for the purpose of sale to the Community Redevelopment Agency (CRA), real property lying within the Prospect Lake Development Site. (consent)
- 7.3** Approve the First Amendment to Agreement for Development and Purchase and Sale of Property by and between the Community Redevelopment Agency (CRA) and Prospect Park Development, LLC (Developer); and authorize the appropriate officials to execute same. (consent)
- 7.4** Approve the Agreement for Restricted Land Use (Agreement) between the City of Clearwater and Prospect Park Development, LLC (Developer), to be executed and recorded following the sale of real property from the Community Redevelopment Agency (CRA) to the Developer; and authorize the appropriate officials to execute same. (consent)
- 7.5** Approve settlement of the liability claim of Ms. Kristina Marie McGarry for payment of \$30,000 and authorize the appropriate officials to execute same. (consent)
- 7.6** Approve a one year Blanket Purchase Order with Smith Fence Company, Clearwater, FL, in the amount of \$200,000 for the purchase of labor, materials and equipment to install and remove temporary as well as permanent fencing for special events, recreation facilities including tennis courts, ballfields, basketball courts, perimeter fencing and construction projects. (consent)
- 7.7** Approve an Equestrian Patrol Equine User Agreement among the City of Clearwater, Nancy Miller, and Deborah Storey to use two horses for use in activities associated with the Police Department's Equestrian Patrol Unit, and authorize the appropriate officials to execute same. (consent)

- 7.8** Approve acceptance of Department of Justice, Bureau of Justice Assistance (DOJ/BJA) Edward Byrne Memorial Justice Assistance Grant in the amount of \$58,283, additional 1.4 Full Time Equivalent Position (FTE), and authorize the appropriate officials to execute same. (consent)
- 7.9** Award a construction contract to Steve's Excavating and Paving, Inc. of Dunedin, Florida, for the Wood Valley Traffic Calming Project (07-0039-EN) in the amount of \$811,876.83, which is the lowest responsible bid received in accordance with the plans and specifications, and authorize the appropriate officials to execute same. (consent)
- 7.10** Approve the final plat for JCPenney Subdivision, whose physical address is 2610 Countryside Boulevard and is located on the J.C. Penney parcel at Countryside Westfield Mall. (consent)
- 7.11** Approve an amendment to an existing services agreement with HDR Engineering, Inc. of Tampa, Florida for the US 19 Corridor Development Code, increasing the purchase order by \$28,200 to \$118,200 as described in the Additional Services Scope of Work, authorize the appropriate officials to execute, and authorize the allocation of General Fund reserves in the amount of \$28,200. (consent)
- 7.12** Award a one-year contract to North Star Destination Strategies for a not to exceed amount of \$100,000 for community branding services and authorize the appropriate officials to execute same. (consent)
- 7.13** Appoint Candace Hays to the Sisters Cities Advisory Board as the Clearwater Sister Cities, Inc. representative to fill the remainder of the unexpired term, which expires on July 31, 2015. (consent)

Councilmember Polglaze 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** Award the Construction Manager (CM) at Risk contract to Ajax Building Corporation of Oldsmar, Florida, to construct the Countryside Branch Library (11-0059-LI), amend the budget and scope for the Countryside Library Renovation project to a new total of \$7,102,668, an increase of \$852,668 over the original \$6,250,000 budget to include HVAC upgrades and chiller costs for the Countryside Recreation Center, approve Library GMP of \$5,462,668, which includes approval of \$173,511 in additional library funds to cover unforeseen items, approve \$679,157 to design and construct HVAC

upgrades to the Countryside Recreation Center, and authorize the appropriate officials to execute same.

The Countryside Library project includes construction of a new 22,404 square foot, 1-story library on Sabal Springs Drive, adjacent to the Countryside Recreation Center.

Council approved the selection of Ajax Builders as the CM at Risk firm for the library in December 2013. The item noted that Ajax would provide preconstruction services under a Purchase Order including design review and construction cost estimating. Once design approached final construction documents, staff would present a guaranteed maximum price contract to Council for approval.

The contract allows for management fees based on a percentage of the Guaranteed Maximum Price (GMP) to construct the project of 5.0% for construction phase services.

The construction is estimated to last one year, August 2014 to August 2015. The Library Department will be responsible for the day-to-day facility operations, and the Building and Maintenance Department will be responsible for maintenance of the library.

This item requests additional funding for items unforeseen in the budgeting for design and construction of the library, summarized as follows:

\$68,081 - sanitary lift station due to shallow existing sanitary pipes

\$59,406 - cost impact due to geotechnical conditions requiring over excavation under library footprint

\$46,024 - cost to provide LED lighting in lieu of fluorescent with an estimated 20-year pay back

\$173,511 - additional Library funds requested

This item also requests funding to cover upgrades to the existing HVAC system at the Countryside Recreation Center. The timing of the needed upgrade coincides with construction of library. The chilled water system is estimated to save over \$800,000 in energy costs over a 30-year lifetime with an eleven-year pay back. Similar life cycle energy savings are anticipated for the Library. Hence to optimize efficiency and cost savings, the upgrade will be included in the construction of the library, summarized as follows:

\$237,157 - 50% of equipment and construction cost of chiller yard and piping, included in GMP

\$42,000 - design cost to upgrade the Recreation Center HVAC system to chilled water

\$400,000 - cost to construct HVAC interior upgrades to Recreation Center

\$679,157 additional funds requested to design and construct Recreation Center upgrades

APPROPRIATION CODE AND AMOUNT:

Funding for the contract is provided in the Countryside Library Renovation project with the current budget of \$6,250,000. Funding for the additional costs outlined above will be provided by an additional allocation of \$812,668 of Penny for Pinellas infrastructure funds. An additional allocation of \$40,000 of

General Fund reserves is necessary for library moving expenses and artist fees that were originally projected to be covered by Penny for Pinellas funds, but those expenses do not qualify for Penny funding. Removing those costs from Penny funding will allow some offset of the added scope of work, leaving a total of added funds equal \$852,668, for a new budget total of \$7,102,668.

Councilmember Hamilton moved to award the Construction Manager (CM) at Risk contract to Ajax Building Corporation of Oldsmar, Florida, to construct the Countryside Branch Library (11-0059-LI), amend the budget and scope for the Countryside Library Renovation project to a new total of \$7,102,668, an increase of \$852,668 over the original \$6,250,000 budget to include HVAC upgrades and chiller costs for the Countryside Recreation Center, approve Library GMP of \$5,462,668, which includes approval of \$173,511 in additional library funds to cover unforeseen items, approve \$679,157 to design and construct HVAC upgrades to the Countryside Recreation Center, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 8570-14 on second reading, amending Section 3-1508 of the Community Development Code of the City of Clearwater to clarify prohibited noises.

Ordinance 8570-14 was presented and read by title only.

Councilmember Jonson moved to adopt Ordinance 8570-14 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

10. Presentations (by government agencies or groups providing formal updates

to Council) – Given.**10.1 Clearwater Housing Authority (CHA) Update - Jacqueline Rivera**

Clearwater Housing Authority Board of Commission Chair Deborah Woodard provided a PowerPoint presentation. Ms. Woodard reviewed recent activities and accomplishments.

In response to questions, Ms. Rivera said CHA is working with HUD (Housing and Urban Development) to convert the housing project along Palmetto to homeownership and sell to a qualified household. Paradise Trail is located near Stevenson Creek, south of Sunset Point, will bring thirteen units online next year.

11. City Manager Reports

- 11.1** Accept the Quit Claim Deed from Dimmit Car Leasing, Inc.; approve the Agreement for Exchange of Real Property (Exchange Agreement) between the Community Redevelopment Agency (CRA) and the City with additional cash compensation to be paid from the CRA to the City in an amount not to exceed \$301,303 and authorize the appropriate officials to execute same, together with all other instruments required to affect closing; approve reimbursement to the Stormwater Utility for the surplus land in the amount of not-to-exceed \$539,173, including not-to-exceed \$301,303 received from CRA, along with \$237,870 from General Fund unassigned fund balance; and approve reimbursement from Stormwater Utility to U.S. Department of Housing and Urban Development (HUD) for related grant in the amount of not-to-exceed \$301,303; adopt Resolution 14-28 and authorize the appropriate officials to execute same.

The City and CRA's redevelopment strategy emphasizes the creation of a significant residential concentration in and around the downtown core, to create the support for a retail and recreation destination environment in the Cleveland Street District. In addition, the City's Economic Development Strategic Plan calls for the growth/support of employment opportunities as part of the CRA's Technology District and its software/information technology industry cluster. The CRA views the development of the Cleveland Street and Prospect Lake Park site as a major opportunity to further these strategies by adding a mixed-use project that activates the street and creates living opportunities for the District's workforce.

The CRA released a Request for Proposals/Qualifications (RFP/Q) 12-13 on February 19, 2013 with the goal of selecting a qualified Development Team to successfully develop the 5.91+/- acre site located on Cleveland Street and Prospect Avenue in Downtown Clearwater, one block east of the Downtown Core.

The successful proposal was submitted by Prospect Park Development, LLC (Developer). The proposal consists of 257 market-rate rental dwelling units and up to 24,000 sq. ft. of allowable ground floor retail. Approximately 7 of these units will be Live/Work units fronting Cleveland Street, which will be composed of a retail/office space and a residential component. The project will have 300 parking spaces and approximately 10,000 sq. ft. of accessory uses (exercise area, leasing office, and business center).

On June 10, 2014, the CRA and the Developer entered into the Agreement for Development and Purchase and Sale of Property (Development Agreement). The Development Agreement requires that the CRA is, or will be, the owner of the project site by the closing date. The City owns approximately 77,834 square feet of property (City Parcel) within the project site. The CRA owns approximately 3,829 square feet of property (CRA Parcel) that it will no longer need following the transfer of property to the Developer. The CRA Parcel is not located within the project site and is adjacent to City-owned property. The Exchange Agreement stipulates that the City will transfer the City Parcel to the CRA and the CRA will transfer the CRA Parcel to the City.

The City purchased a portion of the City Parcel on July 1, 1999, from Dimmitt Car Leasing, Inc. (Dimmitt). The deed used in that conveyance failed to properly describe a previously vacated alley. Staff recommends Council acceptance of a Quit Claim Deed from Dimmitt, prior to conveyance of the City Parcel to the CRA, to cure what is otherwise a title defect. The City Parcel was acquired by the City with Stormwater Utility enterprise funds and grant funding from the HUD. HUD will be reimbursed for a portion of this grant to remove any grant-related restrictions from the City Parcel. The reimbursement amount has not been determined, however, will not exceed \$301,303. When determined, the CRA will transfer the appropriate amount to the City as compensation for the land transfer. The City will then transfer these funds to the Stormwater Utility for final disbursement to HUD.

The City will reimburse \$237,870 to the Stormwater Utility enterprise fund.

This amount will provide full reimbursement eliminating all restrictions that would otherwise be applied to property acquired with this funding source.

Resolution 14-28 authorizes the transfer of property and executing the Special Warranty Deed.

USE OF RESERVE FUNDS:

The balance currently remaining in General Fund available reserves is \$10.00 million after deductions for: \$1.4 million used to fund the original Fiscal Year 2014 operating budget; \$1.1 million of items funded from General Fund reserves approved by Council during fiscal 2014 (representing Fiscal Year 2014 budget amendments); and \$9.8 million reflecting the required 8.5% General Fund reserves per Council policy. This agenda item, if approved, will decrease the available balance from \$10.00 million to \$9.77 million.

Councilmember Jonson moved to accept the Quit Claim Deed from Dimmit Car Leasing, Inc.; approve the Agreement for Exchange of Real Property (Exchange Agreement) between the Community Redevelopment Agency (CRA) and the City with additional cash compensation to be paid from the CRA to the City in an amount not to exceed \$301,303 and authorize the appropriate officials to execute same, together with all other instruments required to affect closing; approve reimbursement to the Stormwater Utility for the surplus land in the amount of not-to-exceed \$539,173, including not-to-exceed \$301,303 received from CRA, along with \$237,870 from General Fund unassigned fund balance; and approve reimbursement from Stormwater Utility to U.S. Department of Housing and Urban Development (HUD) for related grant in the amount of not-to-exceed \$301,303. The motion was duly seconded and carried unanimously.

Resolution 14-28 was presented and read by title only. Vice Mayor Hock-DiPolito moved to adopt resolution 14-28. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretelos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

- 11.2** Approve the revised Interlocal Agreement for the unification of the Metropolitan Planning Organization (MPO) and the Pinellas Planning Council (PPC), authorize the appropriate officials to execute same and adopt Resolution 14-27.

On July 15, 2014 the Metropolitan Planning Organization (MPO) sent a letter to the all local governments in Pinellas County, including the City of Clearwater and the Pinellas Suncoast Transit Authority (PSTA), requesting that they execute the revised Interlocal Agreement for the unification of the MPO and the Pinellas Planning Council (PPC).

The purpose of the Interlocal Agreement is to take two separate entities, the MPO and the PPC, and unify them into a single entity that will be more efficient by eliminating duplication of efforts and reducing overall costs.

The original Interlocal Agreement was sent to all local governments on March 19, 2014 but after some concerns from the City of St. Petersburg, the Florida Department of Transportation (FDOT) agreed to revise the agreement to incorporate the changes requested by the City of St. Petersburg. The City of Clearwater never executed the original March 19, 2014 agreement since there were revisions taking place.

The MPO has requested that all local governments in Pinellas County

disregard the original March 19, 2014 agreement and approve the revised Interlocal Agreement by the end of August 2014 so that they can seat the new board at their September 10, 2014 meeting.

Mayor Cretekos departed chambers at 7:20 p.m.

Councilmember Hamilton moved to approve the revised Interlocal Agreement for the unification of the Metropolitan Planning Organization (MPO) and the Pinellas Planning Council (PPC), authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Mayor Cretekos returned to chambers at 7:22 p.m.

Resolution 14-27 was presented and read by title only.

Councilmember Polglaze moved to adopt Resolution 14-27. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Vice Mayor Hock-DiPolito, Councilmember Jonson, Councilmember Hamilton and Councilmember Polglaze

11.3 Approve the Release (Release) for the purpose of discharging certain rights in favor of the City over previously vacated right-of-way lying within the Prospect Lake development site and authorize the appropriate officials to execute same.

On June 10, 2014, the Community Redevelopment Agency (CRA) and Prospect Park Development, LLC (Developer) entered into the Agreement for Development and Purchase and Sale of Property (Development Agreement). The Development Agreement requires that the CRA is, or will be, the owner of the project site by the closing date. The City is proposing to transfer approximately 77,834 square feet of property (City Parcel) to the CRA so the CRA can sell the property to the Developer in accordance with the Development Agreement.

It has been determined that there may be a cloud in title to the City Parcel. On May 18, 1978, prior to the City owning the City Parcel, the City passed and adopted Ordinance 1777 vacating certain right-of-way, a portion of which now lies within the City Parcel. A document titled Covenant Running with the Land (Covenant) was recorded as public record along with Ordinance 1777. The Covenant grants the City the right to reacquire the property within the vacated area if the City determines, at a future time, that the property is ever needed for use as public right-of-way. The proposed Release will release, acquit and forever discharge any and all rights that the City may have under the Covenant. The Release will eliminate the cloud in title.

Councilmember Jonson moved to approve the Release (Release) for the purpose of discharging certain rights in favor of the City over previously vacated right-of-way lying within the Prospect Lake development site and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

12. City Attorney Reports – None.

13. Other Council Action – None.

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

Councilmember Hamilton congratulated the Clearwater Little League Team for the 16-18 age group for winning the world title in their age group and the Lady Bombers.

Vice Mayor Hock-DiPolito encouraged all to vote for Phinley at <http://atmilb.com/ljylats>.

Councilmember Jonson requested consideration for a subcommittee to discuss Downtown Issues with Councilmember Polglaze. The results of the safety review for Gulf to Bay Boulevard and Belcher Road have been released and show that the traffic counts will be increasing by 10,000 as a result of development on that corner. He provided Council with copies of a book he found interesting and clever.

15. Closing Comments by Mayor

Mayor Cretelos reviewed recent and upcoming events and congratulated Mark Woodard for being appointed as the Pinellas County Administrator.

16. Adjourn

The meeting adjourned at 7:30 p.m.

Attest

Mayor
City of Clearwater

City Clerk