

City of Clearwater

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



Meeting Minutes

Wednesday, June 5, 2019

6:00 PM

Main Library - Council Chambers

City Council

Roll Call

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

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

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

1. Call to Order – Mayor Cretekos

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

2. Invocation – Vice Mayor Bob Cundiff

3. Pledge of Allegiance – Councilmember Hamilton

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 Clearwater Police Department Volunteers Check Presentation - Chief Slaughter, Clearwater Police Department

Chief Slaughter presented Council with a ceremonial check for \$299,874.00, representing the value of volunteer hours provided during the year.

4.2 Enlisted Person of the Year (EPOY) Award Recognition - Boatswain's Mate Second Class, Jake Blass

4.3 2019 Sugar Sands Festival Presentation - Lisa Chandler

Ms. Chandler provided a brief summary of this year's campaign and thanked the Council and staff for their continued support. She presented Council with a picture of one of the most photographed sculptures, Rio de Janeiro.

The Mayor presented Steve and Lisa Chandler with a Key to the City in recognition of their efforts in bringing the Sugar Sand Festival to Clearwater

and Pinellas County.

5. Approval of Minutes

- 5.1** Approve the May 16, 2019 City Council Meeting Minutes as submitted in written summation by the City Clerk.

Vice Mayor Cundiff moved to approve the May 16, 2019 City Council Meeting Minutes as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

6. Citizens to be heard re items not on the agenda

Darryl Henderson introduced TBARTA Executive Director David Green who has been with the agency for 7 months and came from the Greater Richmond area.

TBARTA Executive Director David Greene said he spent the last five years in Richmond helping develop a Bus Rapid Transit (BRT) system. He said TBARTA is now focused on transit and developing a regional transit network

Daniel Haluba said Councilmember Polglaze ran unopposed during his previous term on Council and was appointed to fill a vacancy last year. He expressed concern with an email that was sent to him from Councilmember Polglaze.

7. Consent Agenda– Approved as submitted.

- 7.1** Approve the Electronic Surveillance Support Team Multi-Agency Voluntary Cooperation Mutual Aid Agreement for law enforcement services between the Florida Department of Law Enforcement (FDLE) and the city of Clearwater, effective upon execution through February 28, 2022, and authorize the appropriate officials to execute same. (consent)
- 7.2** Approve a blanket purchase order (contract) with SNF Polydyne Inc., of Riceboro, GA, in the annual amount of \$450,000.00 with the option for two one-year term extensions, in accordance with City of Clearwater Code 2.564 (1)(b) Sole Source. (consent)
- 7.3** Approve the purchase of a 2019 International MV607 with Manitex CM190 Crane to replace G3732 2011 Freightliner with National Crane, per the pricing, terms and conditions of the Florida Sheriff's Association Contract FSA18-VEH 16.0 Specification 13, in accordance with Sec. 2.564(1)(d), Code of Ordinances - Other governmental bid; authorize lease purchase under the City's Master Lease Purchase Agreement or internal

financing via an interfund loan from the Capital Improvement Fund, whichever is deemed to be in the City's best interests; and authorize the appropriate officials to execute same. (consent)

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

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 9248-19 on second reading, amending Section 2.251, Clearwater Code of Ordinances , changing the composition of the Sister Cities Advisory Board to include a representative from the Clearwater Arts Alliance, Inc.

Ordinance 9248-19 was presented and read by title only.

Councilmember Allbritton moved to adopt Ordinance 9248-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.2** Adopt Ordinance 9268-19 on second reading, annexing certain real property whose post office address is 3019 Lake Vista Drive, Clearwater, Florida 33759, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 9268-19 was presented and read by title only.

Councilmember Polglaze moved to adopt Ordinance 9268-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.3** Adopt Ordinance 9269-19 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 3019 Lake Vista Drive, Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Residential Low (RL).

Ordinance 9269-19 was presented and read by title only. Vice Mayor

Cundiff moved to adopt Ordinance 9269-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.4** Adopt Ordinance 9270-19 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 3019 Lake Vista Drive, Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9270-19 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 9270-19 on second and final reading. The motion was duly seconded and carried by the following vote:

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

- 9.5** Adopt Ordinance 9271-19 on second reading, annexing certain real property whose post office address is 1204 Norwood Avenue, Clearwater, Florida 33756, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 9271-19 was presented and read by title only. Councilmember Allbritton moved to adopt Ordinance 9271-19 on second and final reading. The motion was duly seconded and carried by the following vote:

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

- 9.6** Adopt Ordinance 9272-19 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 1204 Norwood Avenue, Clearwater, Florida 33756, upon annexation into the City of Clearwater, as Residential Low (RL).

Ordinance 9272-19 was presented and read by title only. Councilmember Polglaze moved to adopt Ordinance 9272-19 on second and final reading. The motion was duly seconded and carried by the following vote:

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

- 9.7** Adopt Ordinance 9273-19 on second reading, amending the Zoning Atlas of the city by

zoning certain real property whose post office address is 1204 Norwood Avenue, Clearwater, Florida 33756, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9273-19 was presented and read by title only.

Councilmember Hamilton moved to adopt Ordinance 9273-19 on second and final reading. The motion was duly seconded and carried by the following vote:

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

- 9.8** Adopt Ordinance 9274-19 on second reading, annexing certain real properties whose post office addresses are 3040 Grand View Avenue and 3057 Terrace View Lane, all within Clearwater, Florida 33759, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 9274-19 was presented and read by title only.

Councilmember Allbritton moved to adopt Ordinance 9274-19 on second and final reading. The motion was duly seconded and carried by the following vote:

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

- 9.9** Adopt Ordinance 9275-19 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real properties whose post office addresses are 3040 Grand View Avenue and 3057 Terrace View Lane, all within Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Residential Low (RL).

Ordinance 9275-19 was presented and read by title only.

Councilmember Allbritton moved to adopt Ordinance 9274-19 on second and final reading. The motion was duly seconded and carried by the following vote:

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

- 9.10** Adopt Ordinance 9276-19 on second reading, amending the Zoning Atlas of the city by zoning certain real properties whose post office addresses are 3040 Grand View Avenue and 3057 Terrace View Lane, all within Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9276-19 was presented and read by title only.

Councilmember Polglaze moved to adopt Ordinance 9276-19 on second and final reading. The motion was duly seconded and carried by the following vote:

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

- 9.11** Adopt Ordinance 9278-19 on second reading, amending the Clearwater Code of Ordinances Section 2.480(2), Police Officers' Supplemental Pension and Retirement Plan to add subsection (g) Missing benefit recipients.

Ordinance 9278-19 was presented and read by title only. Vice Mayor Cundiff moved to adopt Ordinance 9278-19 on second and final reading. The motion was duly seconded and carried by the following vote:

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

10. City Manager Reports

- 10.1** Impose a temporary moratorium within the City of Clearwater for a period of 180 days on the use or offering for hire of motorized scooters and micromobility devices, or issuance of any permits or franchises pertaining to micromobility hubs and pass Ordinance 9296-19 on first reading.

The past few years have seen an explosive growth in businesses offering dockless motorized scooters for hire and in cities regulating their use and the requirements for businesses that provide them. Starting last year, several people and companies approached the City inquiring if these types of vehicles were allowed to be operated in the city, either on sidewalks or on roads, and what were the regulations for businesses that provided such vehicles for hire. Prior to the most recent legislative session, motorized scooters were not legally allowed to operate on sidewalks, and not in roadways because they could not be registered and licensed. House Bill 453 would allow their use in both sidewalks and roads, the same as bicycles, unless the City develops specific regulations.

In light of the rapid national and statewide growth in allowing and regulating these vehicles and services, an inter-departmental team consisting of staff from Planning & Development, Engineering Traffic Operations, Parks & Recreation, Legal and the CRA met to review various programs (Tampa's program expected to begin in June) and existing city regulations and to discuss options for allowing operation of these vehicles and businesses.

Early in the Spring 2019 Florida Legislative session, House Bill 453 was introduced that proposed limiting the extent to which local municipalities could regulate motorized scooters, a form of and referred to as "micromobility." Staff put their efforts on hold pending the outcome of the legislation. That bill underwent key revisions then was passed (enrolled) by both houses on May 1 and sent to the Governor to be signed or vetoed by the Governor, or to take no

action. If no action is taken, the bill becomes law 15 days after it was presented to the Governor. The legislation that impacts the city most is the requirement that motorized scooters have the same rights and responsibilities as bicycles, and must be treated the same, unless the city regulates them in a different manner. In other words, wherever a bicycle is allowed to be ridden or parked, so can a motorized scooter. In the city of Clearwater, current regulations allow bicycles to be ridden in the road, on sidewalks, and on trails.

Approval of this temporary moratorium will provide staff time to prepare regulations for motorized scooters and other forms of micromobility for City Council consideration.

Senior Planner Ric Hartman clarified that this moratorium is being enacted so staff can create regulations for business operators and electronic scooter use on city streets and sidewalks. Draft regulations will be submitted to Council; guidance will be requested on implementing a pilot program versus a permanent program as well as locations for use and the speed of the devices.

In response to questions, Mr. Hartman said the City may prohibit the use of micromobility devices. Anyone who owns their own personal motorized scooter that meets the micromobility definition in the state legislature may not use them during the moratorium; the moratorium covers the use of these specific devices as well as business operators. The legislators are proposing the devices to be used in the same places bicycles can be used. Pedal assisted motorized bicycles are not part of the moratorium.

One person spoke in support.

Councilmember Polglaze moved to impose a temporary moratorium within the City of Clearwater for a period of 180 days on the use or offering for hire of motorized scooters and micromobility devices, or issuance of any permits or franchises pertaining to micromobility hubs. The motion was duly seconded and carried unanimously.

Ordinance 9296-19 was presented and read by title only. Vice Mayor Cundiff moved to pass Ordinance 9296-19 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

11. City Attorney Reports – None.

12. Other Council Action – None.

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

Councilmembers Hamilton, Allbritton and Polglaze acknowledged D-Day and expressed gratitude to all members of the military.

Vice Mayor Cundiff said that as a member of the School Transportation Safety Committee, he learned that the state counted the number of drivers who passed stopped school buses in one day, which was close to 10,000. He urged all drivers to obey the traffic laws.

14. Closing Comments by Mayor

Mayor Cretekos reviewed recent and upcoming events.

15. Adjourn

The meeting adjourned at 7:10 p.m.

Attest

Mayor
City of Clearwater

City Clerk