

City of Clearwater

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



Meeting Minutes

Thursday, September 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 – Assistant City Manager, Pamela K. Akin City Attorney, Rosemarie Call – City Clerk and Nicole Sprague – Official Records & Legislative Services Coordinator.

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

Draft

1. Call to Order – Mayor Cretekos

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

2. Invocation – Pastor Steve Kreloff from Lakeside Community Chapel

3. Pledge of Allegiance

4. Special recognitions and Presentations (Proclamations, service awards, or other special recognitions. Presentations by governmental agencies or groups providing formal updates to Council will be limited to ten minutes.) – Given.

4.1 2019 Clearwater/Nagano Sister Cities Exchange Student Post-Trip Presentations - Christopher Hubbard, City Manager's Office

Combined brief post-trip presentations by the 2019 Clearwater/Nagano Sister Cities High School and Young Ambassador students.

Students provided PowerPoint presentations and thanked Council for their support and opportunity to visit Nagano.

4.2 CareFest Day Proclamation, September 28, 2019 - Lisa Walls of Somebody Cares Tampa Bay

5. Approval of Minutes

5.1 Approve the minutes of the August 14, 2019 City Council Meeting as submitted in written summation by the City Clerk.

Councilmember Allbritton moved to approve the minutes of the August 14, 2019 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 Nocera said he opposed the petition to install speed bumps along Drew Street because the area in question is not really a residential neighborhood as there are only a few homes and he suggested additional traffic enforcement as an alternative.

Paul Galiano said he did not live within the city but believes the Clearwater Airpark is a very important city asset. He said he waited for the police report to become public before raising any concerns as he believed the report would corroborate his concerns.

Christina Joseph said her daughter was grateful for the opportunity to serve on a city advisory board; she presented Lin, a Rotary student exchange from Thailand she is hosting in her home.

Marcel Mohseni expressed concerns with the City's sewer connection fees and annexation policy.

Public Hearings - Not before 6:00 PM

7. Administrative Public Hearings

- 7.1 Set final millage rate of 5.9550 mills for fiscal year 2019/20 against non-exempt real and personal property within the City of Clearwater and pass Ordinance 9322-19 on first reading.

In accordance with Chapter 200 of the Florida Statutes, which defines requirements for the Determination of Millage and the rules governing Truth in Millage (TRIM) compliance, the City Council must hold two public hearings to adopt a final millage rate for the new fiscal year. The adoption of this ordinance to establish the millage rate and the two related budget ordinances are an integral part of fulfilling these requirements.

The City Council set a tentative millage rate of 5.9550 mills on July 18, 2019, which is the rate that appeared on the TRIM bill notices mailed to taxpayers in August. The millage rate of 5.9550 mills represents a 6.01% increase from the rolled back rate of 5.6176 mills.

Ordinance 9322-19 is presented in order to adopt the millage rate of 5.9550 mills to support the operating and capital improvement budgets for the 2019/20 fiscal year.

Budget Manager Kayleen Kastel provided a PowerPoint presentation.

In response to a question, Ms. Kastel said the City does not receive all of one's property tax bill. Approximately 29% of one's tax bill goes to the City. For every \$100,000 in taxable property value, the tax bill should increase by \$11.00.

Councilmember Polglaze moved to set final millage rate of 5.9550 mills for fiscal year 2019/20 against non-exempt real and personal property within the City of Clearwater. The motion was duly seconded and carried unanimously.

Ordinance 9322-19 was presented and read in full.

Councilmember Hamilton moved to pass Ordinance 9322-19 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

7.2 Approve the City of Clearwater Annual Operating Budget for the 2019/20 fiscal year and pass Ordinance 9323-19 on first reading. (APH)

In accordance with Chapter 200 of the Florida Statutes and the rules governing Truth in Millage (TRIM) compliance, the City Council must hold two public hearings to adopt the budget. The adoption of this ordinance and the related ordinances adopting the 2019/20 millage rate and the Capital Improvement Budget are an integral part of fulfilling these requirements.

On June 28, 2019, the City Manager provided the City Council with a Preliminary Annual Operating and Capital Improvement Budget that outlined estimates of revenues and expenditures for the 2019/20 fiscal year. The City Manager presented the preliminary budget at the City Council meeting on July 18, 2019, and at the August 22, 2019 Special Budget Council meeting for Council discussion and citizen input.

Councilmember Allbritton moved to approve the City of Clearwater Annual Operating Budget for the 2019/20 fiscal year. The motion was duly seconded and carried unanimously.

Ordinance 9323-19 was presented and read by title only.

Councilmember Polglaze moved to pass Ordinance 9323-19 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

- 7.3** Approve the fiscal year 2019/20 Annual Capital Improvement Budget, establish a six-year plan for the Capital Improvement Program (CIP), and pass Ordinance 9324-19 on first reading.

In accordance with Chapter 200 of the Florida Statutes and the rules governing Truth in Millage (TRIM) compliance, the City Council must hold two public hearing to adopt the final budget. The adoption of this ordinance and the related ordinances adopting the 2019/20 millage rate and operating budget are an integral part of fulfilling these requirements.

On June 28, 2019, the City Manager provided the City Council with a Preliminary Annual Operating and Capital Improvement Budget that outlined estimates of revenues and expenditures for the 2019/20 fiscal year. The City Manager presented the preliminary budget at the City Council meeting on July 18, 2019, and at the August 22, 2019 Special Budget Council meeting for Council discussion and citizen input.

Vice Mayor Cundiff moved to approve the fiscal year 2019/20 Annual Capital Improvement Budget, establish a six-year plan for the Capital Improvement Program (CIP). The motion was duly seconded and carried unanimously.

Ordinance 9324-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9324-19 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

- 7.4** Approve the recommended Penny for Pinellas project list, as revised for Fiscal Years 2019/20 through 2029/30. (APH)

On March 6, 1997, the City Council adopted Ordinance 6137-97. The ordinance established the requirement for a special hearing prior to adoption of the capital improvement budget to discuss the use of Penny for Pinellas tax, and at any

time in which there is any proposed change to the Penny for Pinellas project funding of \$500,000 or more.

Changes to Penny for Pinellas projects that meet the criteria in the proposed 2019/20 capital improvement budget and six-year plan include the following:

- **Aviation Operations Center** - This project, which provides funding for a replacement of the airpark operations center, is being postponed from fiscal year 2019/20 to 2022/23.
- **Fire Engines/Ladder Truck Replacement** - The replacement schedule for fire ladder trucks is being changed to advance the planned replacement from fiscal year 2020/21 to 2019/20 and eliminate the replacement in fiscal year 2022/23 which is not needed due to life cycle of current ladder trucks. The funding for fire engine replacements are being changed to postpone fiscal year 2019/20 to 2020/21 and add an engine replacement in fiscal year 2022/23 reallocating funding from the ladder truck. This project in total is being reduced by \$1,000,000 due to elimination of one ladder truck replacement.
- **Police District III (Countryside Substation)** - This project, which provides for construction of replacement patrol operations and training facilities at the Countryside Substation, is being increased by \$6,000,000.
- **Waterfront/Bluff Masterplan (Imagine Clearwater)** - This project, which provides funding for the revitalization project for the downtown Clearwater waterfront and Coachman Park, is being increased by \$6,500,000.
- **Downtown Parking Garage** - This project, budgeted at a total of \$10,500,000 planned in fiscal years 2025/26 and 2026/27, is being eliminated from the Penny for Pinellas project list. Funding will instead be provided by Parking revenues, reallocating Penny for Pinellas revenues to fund other projects.
- **Ed Wright Park Renovations / Neighborhood Parks Renovations** - The remaining Penny III funding of \$260,0000 in the Neighborhood Parks Renovations project is being transferred to the Ed Wright Park Renovations project to provide additional funding needed to complete the park renovations.

Councilmember Allbritton moved to approve the recommended Penny for Pinellas project list, as revised for Fiscal Years 2019/20 through 2029/30. The motion was duly seconded and carried unanimously.

- 7.5** Provide direction on the proposed first amendment to an existing Hotel Development Agreement (HDA2014-07004) between Decade Sea Captain, LLC (the property owner)

and the City of Clearwater for property located at 40 Devon Drive, which replaces Exhibit A to provide an updated legal description and replaces Exhibit B to provide new conceptual site plans and elevations, reduce the overall height of the proposed hotel building, add a detached dwelling to the portion of the property within the Low Medium Density Residential (LMDR) District and sets a new date by which time site plan approval must be obtained and confirm a second public hearing in City Council Chambers before City Council on September 19, 2019 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2014-07004A).

Location and Existing Conditions:

The 0.831-acre parcel is located on the north side of Devon Drive, approximately 150 feet east of Coronado Drive. The subject property was most recently developed with a 27-room motel which has been demolished and the site is vacant with the exception of some remnant paving. The subject site has approximately 175 feet of frontage along Devon Drive. Most of the subject property, the west 0.659 acres (upland), is zoned Tourist (T) District with a corresponding future land use classification of Resort Facilities High (RFH) and is within the Small Motel district of the *Beach by Design*. The eastern 0.171 acres (upland) is within the Low Medium Density Residential (LMDR) District with a corresponding Future Land Use classification of Residential Urban (RU). This portion of the site is not within the Beach by Design planning area. Vehicular access to the site is provided via three curb cuts along Devon Drive with two driveways providing access to the parking garage component and a third driveway providing access for servicing (solid waste).

The immediate area is characterized by a variety of uses including overnight accommodations, retail, outdoor recreation/entertainment, restaurants, attached dwellings and detached dwellings uses. The City's Beach Walk project has been constructed farther to the west transforming South Gulfview Boulevard into a winding beachside promenade with lush landscaping, artistic touches and clear views to Clearwater's award-winning beach and the water beyond. Coronado Drive has also been improved over the last several years with new sidewalks, decorative brick edging and details, crosswalks, lighting and street trees.

Site History:

- On December 21, 2010, the Community Development Board (CDB) approved Case FLD2010-08004 to permit an 85-unit overnight accommodation use in the Tourist (T) District. This approval has since expired.
- On January 13, 2011, the City Council approved the allocation of up to 53 units from the Hotel Density Reserve under *Beach by Design* (DVA2010-08001) and adopted a resolution to the same effect (Res. 11-01). The owners proposed to develop the site with an 85-unit overnight accommodations use as related to case FLD2010-08004. This agreement

has since expired.

- On May 21, 2013, the Community Development Board (CDB) approved Case FLD2013-02007 to permit an 85-unit overnight accommodation use in the Tourist (T) District. This agreement has since expired.
- On June 19, 2013, the City Council approved the allocation of up to 53 units from the Hotel Density Reserve under *Beach by Design* (Case DVA2010-08001A) and adopted a resolution to the same effect (Res. 13-06). The owners proposed to develop the site with an 85-unit overnight accommodations use related to case FLD2013-02007. This agreement has since expired.
- On October 15, 2014, the City Council approved the allocation of up to 66 units from the Hotel Density Reserve under Beach by Design (Case HDA2014-07004) and adopted a resolution to the same effect (Res. 14-32). The owners propose to develop the site with a 98-unit overnight accommodations use related to case FLD2015-02006. This agreement is still valid. The current proposal under consideration is to amend this Development Agreement.
- On April 21, 2015, the Community Development Board (CDB) approved, Case FLD2015-02006 to permit a 98-unit overnight accommodation use in the Tourist (T) District. This approval is still valid although unconstructed.
- On September 14, 2018, a proposal for a minor revision to FLD2015-02006 was submitted with a several changes to the building most of which are related to the removal of most of the parking component from the building except for 10 spaces on the ground floor. All required 118 spaces will be accommodated in a five-story parking garage proposed directly to the south across Devon Drive which has been approved as part of FLD2018-06020. This change resulted in the removal of one floor from the building. The minor revision also included minor changes to the façade of the building. The request was deemed to be a Minor Revision pursuant to CDC Section 4 -405.A.1 through 9 and a Development Order to that effect was issued on September 24, 2018.

The specific changes were as follows:

1. Most of the parking component has been removed from the building with the exception of 10 spaces on the ground floor. All required 118 spaces will be accommodated in a five-story parking garage proposed directly to the south across Devon Drive which has been approved as part of FLD2018-06020. This results in there being 10 additional provided spaces;
2. With the removal of one floor of parking the building height has been reduced to 77 feet (to roof) with an additional 22 feet for mechanical equipment. The overall height from Base Flood Elevation to highest architectural feature will be 99 feet;
3. The fifth-floor pool and patio at the east side of the building has been moved to grade at the north side of the site with the shape of the building footprint modified to accommodate and reflect the new location of the

pool and patio;

4. Balconies along the east façade have been reduced in scope;
5. Balconies and the number of windows along the south façade have been reduced in accordance with the reduction in building height and change in building footprint;
6. Balconies and windows have been reduced in accordance with the reduction in building height and change in building footprint; and
7. Landscape area along the south side of the site along Devon Drive has been reduced to accommodate a front plaza/pedestrian entryway.

- On September 18, 2018, the Community Development Board (CDB) approved, Case FLD2018-06020 to permit a parking garage in the Tourist (T) District for the properties located at 101 Coronado Drive and 41 Devon Drive. This application is peripherally related to the subject site as it provides 118 parking spaces for the proposed hotel. This approval is still valid although unconstructed.
- Concurrent with this HDA amendment, an application for an amendment (FLD2015-02006A) to the approved and valid Level II Flexible Development application, FLD2015-02006 has been submitted and is scheduled to be reviewed by the Community Development Board on October 15, 2019.

It is important to note that the development potential including density, Gross Floor Area (GFA) and Impervious Surface Ratio (ISR) with regard to the approved hotel was based solely on the portion of the site within the T District and that no development potential with regard to the portion of the site within the LMDR District was used. In other words, while the site is one parcel with two zoning districts and the intensity of use specific to each respective zoning district has been applied only to the land area associated with each zoning district.

Development Proposal:

The proposal is to maintain the development proposal on the portion of the site plan within the T District as approved as part of FLD2015-02006 (and as amended through the above noted minor amendment) and HDA2014-07004 and to add a detached dwelling on the portion of the site within the LMDR District. That portion of the site was originally intended to only contain the stormwater component for the portion of the site within the T District. This component will be redesigned to accommodate the proposed detached dwelling while also providing adequate stormwater capacity.

The detached dwelling will be accessed via a single driveway which connects to the proposed parking garage component of the hotel site; no new curb cuts are proposed. The proposed detached dwelling will be 30 feet in height as measured from Base Flood Elevation. Two code-compliant parking spaces will be accommodated at-grade under the building. Setbacks of five feet and 25 feet are required and provided along the south (side) and rear (east),

respectively. It should be noted that the rear (east) property line does not follow along the seawall but, rather, extends into the water. The building will be setback eight feet from the seawall which will require flexibility from the Building Department to allow structures within 18 feet of a seawall. Sight visibility triangles of 20 feet by 20 feet are required and provided at the southeast and northwest corners of the site.

No changes to the hotel component beyond that as otherwise approved through the noted minor amendment are proposed.

The changes to the Development Agreement are listed below:

- Section 4.1: Adds the proposed detached dwelling as a use to the site in addition to the 98-unit hotel and specifies that the hotel component is only located on the T District portion of the site and the detached dwelling component is only located on the LMDR District portion of the site.
- Section 4.4: Decreases the height of the building from 100 feet to 77 feet.
- Section 4.5: Clarifies that the intensity of use within the LMDR District portion of the site is limited to one dwelling unit, specifies a height of the detached dwelling of 30 feet from BFE.
- Section 6.1.7: Clarifies that no unit within the T District portion of the site shall have a complete kitchen facility as defined by the Community Development Code. This is to allow the detached dwelling to include a full kitchen as allowed by the Community Development Code.

Consistency with the Community Development Code (CDC):

Minimum Lot Area and Width:

Pursuant to CDC Table 2-202, the minimum required lot area and width for detached dwellings is 5,000 square feet and 50 feet, respectively. The portion of the subject property within the LMDR District is 7,473 square feet in area and does not include any actual frontage along a street right-of-way; the subject portion of the property comes to a sharp angle where the LMDR and T Districts meet. The proposal is consistent with these Code provisions.

Minimum Setbacks:

Pursuant to CDC Table 2-202, the minimum required front, side and rear setbacks for waterfront properties are five and 25 feet, respectively. The proposal includes a side (south) setback of a minimum of five feet and a rear setback of 25 feet. Please note that the rear property line does not follow the center line of the seawall but, rather, extends farther out over submerged land. The detached dwelling is not adjacent to a front property line. The proposal is consistent with these Code provisions. No changes are proposed to any setback previously approved for the hotel component.

Maximum Height:

Pursuant to CDC Table 2-202, the maximum permitted height for detached dwellings is 30 feet. Please note that height is measured from the point from

which minimum floor elevations in flood prone areas have been established by law to the highest finished roof surface in the case of a building with a flat roof. The proposed building height of 30 feet is consistent with this CDC section. The building height of the hotel is proposed at 77 feet with an additional 22 feet to the top mechanical equipment enclosures where the height as approved as part of HDA2014-07004 and FLD2015-02006 was 100 feet with an additional 25 to the top of mechanical equipment enclosures.

Minimum Off-Street Parking:

Pursuant to Table 2-202 parking for detached dwellings is two spaces per unit where two spaces are provided which is consistent with this CDC section. The hotel component will continue to include a minimum of 118 parking spaces (1.2 spaces per hotel unit).

Landscaping:

While a formal landscape plan is not required to be submitted for review at this time, a landscape plan was approved as part of FLD2015-02006. A landscape plan substantially the same as that as approved has been submitted as part of FLD2015-02006A.

Consistency with *Beach by Design*:

Design Guidelines:

The portion of the site within the LMDR district is not within the *Beach by Design* planning area and is, therefore, not subject to the *Beach by Design* Design Guidelines. The hotel component continues to be consistent with the applicable Design Guidelines established in *Beach by Design*.

Hotel Density Reserve:

The proposal includes no change in the number of units (66 units) previously allocated from the Reserve and continues to be in compliance with those criteria established within *Beach by Design* concerning the allocation of hotel rooms from the Reserve including that the development comply with the Metropolitan Planning Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities.

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 no change in the number of units (66 units) allocated from the Hotel Density Reserve (previously approved as part of HDA2014-07004/Resolution 14-32);
- Clarifies that a full kitchen is permissible for the proposed detached

- dwelling;
- Clarifies that the rental period for the detached dwelling shall not include rentals for periods of less than 31 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place rented for periods of less than 31 days or one calendar month, whichever is less.
 - Limits the proposed height of the detached dwelling to no more than 30 feet;
 - Revises Exhibit A which updates the legal description;
 - Revises Exhibit B which includes new conceptual site plans, architectural drawings, elevations and perspectives;
 - Requires the developer to obtain building permits within one year of approval of the amended and restated Development Agreement 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;
 - For units allocated from the Hotel Density Reserve, prohibits the conversion of any hotel unit 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.
 - Provides that all units in a hotel receiving units from the Reserve shall be made available to the public as overnight transient hotel guests at all times through the required hotel reservation system;
 - That no hotel room in a hotel allocated units from the Reserve will have a full kitchen;
 - That a reservation system shall be required as an integral part of the hotel use and there shall be a lobby/front desk area that must be operated as a typical lobby/front desk area for a hotel would be operated; and
 - Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

Changes to Development Agreements:

Pursuant to Section 4-606.I., CDC, a Development Agreement may be amended by mutual consent of the parties, provided the notice and public hearing requirements of Section 4-206 are followed. Revisions to conceptual site plans and/or architectural elevations attached as exhibits to this Development Agreement shall be governed by the provisions of Section 4-406, CDC. 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.

In response to questions, Senior Planner Mark Parry said the southeast portion of the lot falls under the LMDR district; the applicant proposes to construct a detached single-family home on that portion, which is permitted by code. Currently, there is nothing built on the LMDR portion of the lot. Although

the single-family home is a permitted use, the request must come before the Council because it is amending the site plan associated with the hotel development agreement. Mr. Parry said the single-family home will abut another residence.

Councilmember Polglaze moved to confirm a second public hearing in City Council Chambers before City Council on September 19, 2019 at 6:00 p.m., or as soon thereafter as may be heard. The motion was duly seconded and carried unanimously.

8. Second Readings - Public Hearing

- 8.1** Adopt Ordinance 9304-19 on second reading, vacating the east 1.5 feet of a platted 30 foot drainage easement lying over that portion of property described in Official Records Book 10868, Page 781, also being a portion of Lot 6, Brookhill Terrace, as recorded in Plat Book 49, Page 14, of the Public Records of Pinellas County, Florida.

Ordinance 9304-19 was presented and read by title only. Vice Mayor Cundiff moved to adopt Ordinance 9304-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 8.2** Adopt Ordinance 9305-19 on second reading, amending the Clearwater Code of Ordinances, Appendix A, Schedule of Fees, Rates, and Charges, Article XXIV, Public Works - Fees, Rates, and Charges, Section (3)(E) Stormwater Management Utility Rates.

Ordinance 9305-19 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 9305-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 8.3** Adopt Ordinance 9306-19 on second reading, vacating the north portion of a 50 foot right-of-way of Meadow Lark Lane (Also known as Meadowlark Lane) in revised map, Town of Bay View, as recorded in Plat Book H6, Page 23, of the Public Records of Hillsborough County, Florida, of which Pinellas County was once a part; lying south of Gulf

to Bay Boulevard (State Road 60) and North of a line located parallel and 330 feet south of the East/West centerline of Section 16, Township 29 South, Range 16 East, also being the centerline of Gulf to Bay Boulevard (State Road 60); less the 25 foot portion previously vacated as recorded in Official Records Book 19332, Page 1499, of the Public Records of Pinellas County, Florida.

**Ordinance 9306-19 was presented and read by title only.
Councilmember Allbritton moved to adopt Ordinance 9306-19 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

- 8.4** Adopt Ordinance 9307-19 on second reading, amending the Clearwater Code of Ordinances - Appendix A, Schedule of Fees, Rates and Charges, Article XXV, Public Works - Fees, Rates, and Charges, Sections (3)(C) Solid Waste Collection Rates, (3) (D), Recycling and (5) Other Miscellaneous Charges.

**Ordinance 9307-19 was presented and read by title only.
Councilmember Polglaze moved to adopt Ordinance 9307-19 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. City Manager Reports

- 9.1** Approve State Housing Initiatives Partnership (SHIP) Program Annual Report and Local Housing Incentive Certification for the closeout year 2016-2017 and interim years 2017-2018 and 2018-2019 and allow the appropriate officials to execute same.

The Florida Legislature enacted the William E. Sadowski Affordable Housing Act (Act) in 1992. The Act created a dedicated revenue source for state and local housing trust funds including the State Housing Initiatives Partnership (SHIP) Program.

Through the SHIP Program, the Economic Development and Housing Department has provided funding for the following housing activities: Downpayment and closing costs assistance of existing structures; the construction of new dwellings; the rehabilitation of owner-occupied single-family dwellings; and the construction, acquisition, and rehabilitation of rental properties.

All local governments receiving SHIP funds must submit their annual report to the Florida Housing Finance Corporation by September 15 of each year. The annual report provides details of expended and encumbered funds. The report also provides information on the strategies funded, the number of households served, and income category, age, family size, race and other data regarding special needs populations such as homeless persons, persons with disabilities and the elderly. The report is submitted electronically to the State of Florida. For closeout year 2016-2017, the City received \$722,636 from the state annual distribution which includes a special allocation of \$15,741 for homebuyer education, \$213,239.21 in program income and related interest, and carryover of a negative balance of \$13,501.53 from previous year funds. The department assisted 29 families utilizing its approved strategies. The department also used these SHIP funds and SHIP program income to match federal program funds to support other existing housing programs.

SHIP funding has a positive impact on the City's economy, as evidenced by activities in closeout year 2016-2017, where the City expended \$845,610.40 on SHIP strategies in SHIP dollars to leverage over \$3.8 million in other funds.

Economic Development and Housing Assistant Director Chuck Lane provided a PowerPoint presentation.

Staff was directed to draft a letter urging the Florida Legislature to use the Sadowski funds only for its intended purpose.

Councilmember Polglaze moved to approve State Housing Initiatives Partnership (SHIP) Program Annual Report and Local Housing Incentive Certification for the closeout year 2016-2017 and interim years 2017-2018 and 2018-2019 and allow the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

9.2 Approve the Fiscal Year 19-20 through Fiscal Year 21-22 Three-Year Local Housing Assistance Plan for Pinellas County Housing Trust Fund and adopt Resolution 19-22.

To increase resources to address the shortage of affordable housing in Pinellas County, the Board of County Commissioners adopted Resolution 05-237 to authorize the establishment of the Pinellas County Community Housing Trust Program. The Program was created for the purpose of providing funds to

promote homeownership and to expand the production and preservation of rental and owner-occupied affordable housing to very low-, low-, and moderate-income households.

County Ordinance 06-28 was subsequently adopted establishing the Housing Trust Fund. The Pinellas County Housing Finance Authority, on behalf of the Board, oversees the administration of the trust fund.

Under the proposed three-year plan, the Housing Division of the Economic Development & Housing Department will expend \$228,579 comprised of program delivery and administration of funds. These funds are available from the existing cash balance and future program income and will serve to further the City's efforts in affordable housing. The program goals and objectives are consistent with the Four-Year Consolidated Plan that was approved by the City Council on July 21, 2016.

Each jurisdiction receiving or expending funds is required to submit an application that includes a Local Housing Assistance Plan that proposes how the jurisdiction will utilize the funds. The county and the cities are using State Housing Initiatives Partnership (SHIP) guidelines as a general template for the use of funds. Per the county's requirements, funds will be leveraged at a ratio of not less than 2:1. Clearwater's proposed use of funds to administer each of the three main strategies are: 1) produce new rental and owner housing; 2) preserve existing rental and owner housing; and 3) general program administration.

In response to a question, Economic Development and Housing Assistant Director Chuck Lane said Pinellas County has taken some of the Penny for Pinellas 4 funds for economic development and housing; approximately \$180 million over a ten-year period. It appears the funds will be used to acquire land, allowing municipalities to leverage funds for construction.

Vice Mayor Cundiff moved to approve the Fiscal Year 19-20 through Fiscal Year 21-22 Three-Year Local Housing Assistance Plan for Pinellas County Housing Trust Fund. The motion was duly seconded and carried unanimously.

Resolution 19-22 was presented and read by title only. Councilmember Hamilton moved to adopt Resolution 19-22. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Councilmember Polglaze, Councilmember Hamilton,

Vice Mayor Cundiff and Councilmember Allbritton

- 9.3** Approve settlement of a property damage liability claim (19-000130) for payment of \$130,808.25 to HGBrown and Associates, LLC, the property owner, with a general release of all claims and authorize the appropriate officials to execute same.

On June 27, 2019, a city water main broke near the entrance of the Best Buy store located at US 19 N and Drew Street. The water released intruded into the asphalt sublayer of a section of the parking lot and caused a rippling of the surface, impairing and limiting access to tenants' stores on the property. The property owner, HGBrown & Associates, LLC, is asking the City to repair the areas where the parking lot had to be cut to reach the main water line and for peripheral damage caused by the water intrusion to parts of the parking lot. The tenants affected include Best Buy, and Rooms To Go. HGBrown & Associates have agreed to settle this claim for \$130,808.25 pending city council approval. The Risk Management Division and the City's Claims Committee recommend approval of this settlement.

Funding for the payment of this settlement is available in the budget for claims expense in the Central Insurance Fund.

APPROPRIATION CODE AND AMOUNT:

5907590-545900	\$130,808.25
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Councilmember Allbritton moved to approve settlement of a property damage liability claim (19-000130) for payment of \$130,808.25 to HGBrown and Associates, LLC, the property owner, with a general release of all claims and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 9.4** Approve the purchase of excess liability, excess workers compensation, and numerous specialty insurance policies from October 1, 2019 through September 30, 2020 at an amount not to exceed \$875,000 and authorize the appropriate officials to execute same.

The Risk Management Division of the Finance Department purchases certain excess and specialty insurance policies through the efforts of Arthur J. Gallagher and Company.

These policies include an excess liability package through Lloyds's of London for coverages including General Liability, Automobile Liability, Employee Benefits Liability, Public Officials Liability, Personal Injury Law Enforcement

Liability, Marine Operator's Liability, EMS Liability, and Compressed Natural Gas Liability; an excess workers compensation package through Safety National for coverages including Workers Compensation and Employer Liability; and additional excess policies for Third Party Storage Tank Liability, Hull Protection and Indemnity, Cyber Liability and numerous flood policies.

Last year the City obtained a two-year rate guarantee agreement with Brit, the liability carrier, and this renewal marks the beginning of the final year. Due to the City's increase in operating expenses, employee and city population growth, this premium increased by 4.08% to \$289,875 on excess package policies. Brit will consider another multi-year rate agreement after the end of this renewal policy.

The premium for excess Workers Compensation coverage increased by 6.85% to \$334,788 for fiscal 2020 due to the City's payroll growing. Safety National has agreed to keep the renewal premium rate through 2021.

Risk Management is also estimating an increase of 10 - 15% for the additional excess policies, and a 10% increase for the various flood policies.

This request includes a contingency of \$16,876.25 to accommodate any other unforeseen increases.

The total requested not-to-exceed amount of \$875,000 is a 7.36% increase over fiscal 2019 not-to-exceed of \$815,000.

APPROPRIATION CODE AND AMOUNT:

5907590-545100	\$875,000
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Councilmember Polglaze moved to approve the purchase of excess liability, excess workers compensation, and numerous specialty insurance policies from October 1, 2019 through September 30, 2020 at an amount not to exceed \$875,000 and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 9.5** Approve an increase to Purchase Order No. 19000957 with Marlin Gas Services, LLC, in the amount of \$140,000, to provide portable natural gas service to the Del Webb residential community in Pasco County.

CGS (Clearwater Gas System) has been using Marlin Gas, who provides portable natural gas tanks to serve the Del Webb subdivision, located north of State Road 54 and east of the Suncoast Parkway, in Pasco County. This neighborhood is currently not connected to the CGS distribution system. The Marlin tanks are connected into the CGS distribution system within the neighborhood to serve the residential homes.

The reason for the increase is because CGS still needs to extend the distribution main approximately two miles, along Tower Rd (aka Bud Bexley Parkway), to serve this community. One of the biggest challenges is that portions of Tower Rd are not developed as a continuous roadway. This has delayed getting the main extended. CGS is waiting on a permit from Pasco County to run in their right-of-way. Also, CGS needs to obtain two separate easements from property owners to run the line along Tower Rd, as some portions of the road are not dedicated right-of-way yet. Once these permits and easements are issued, it will take approximately 4 months to extend the gas line along Tower Rd to serve the Del Webb community. The goal is to have the permanent gas line extended to the Del Webb subdivision by March 2020.

The original purchase order (PO) was approved in March 2019 at \$40,000. The City Manager approved an increase of \$60,000 in August 2019. With this increase, the new PO total will be \$240,000. Based on projected invoice amounts, CGS will have approximately \$30,000 remaining on the PO after March 2020. These funds will be utilized for any future emergency portable gas requirements.

APPROPRIATION CODE AND AMOUNT:

Funds are budgeted and available in 4232078-531300

In response to questions, Gas System Assistant Director Brian Langille said the purchase order will cover service through March 2020. The Department has the right-of-way permit from Pasco County but certain portions of the road are private property, requiring dedicated easement. He said the dedicated easements should be received within the next month.

Construction of the road will take several months since it is currently under water. Gas System Managing Director Chuck Warrington said the item before Council addresses the front subdivision; there is approximately 15,000 homes yet to be platted. If approved by Council, the Department will be able to provide gas service for the first set of homes and set the stage for future homes. Mr. Langille said the portable gas service is connected to Clearwater Gas' distribution lines in the neighborhood.

One individual questioned if property taxes are used to expand residential gas service.

It was stated residents wishing to acquire gas service in their neighborhood contribute for the gas line expansion.

Vice Mayor Cundiff move to approve an increase to Purchase Order No. 19000957 with Marlin Gas Services, LLC, in the amount

of \$140,000, to provide portable natural gas service to the Del Webb residential community in Pasco County. The motion was duly seconded and carried unanimously.

- 9.6** Award Invitation to Bid Number 45-19, Galvanized Pipe and Fittings, to Bert Lowe Supply of Lakeland, Florida and Empire Pipe Orlando of Sanford, Florida, for the supply of galvanized pipe and fittings, in the annual not-to-exceed amount of \$140,000 with option for two one-year term extensions and authorize the appropriate officials to execute same.

Invitation to Bid (ITB) #45-19 was issued in July 2019 for the supply of galvanized pipe and fittings for the Clearwater Gas System (CGS). Seven bids were received. Product samples from multiple vendors were reviewed and evaluated for specification compliance and suitability for application. Products were represented in 10 Groups of fittings and 1 Group of galvanized pipe, with the intention to award by group.

Two vendors, Bert Lowe Supply and Empire Pipe Orlando, are recommended for award, representing the most responsive and responsible low bidders, meeting the specifications for Bid #45-19 and having excellent references.

For placing orders, the primary award is as follows: Groups 2, 3, 5, 9 and 10 to Empire Pipe, and Groups 1, 4, 6, 7, 8 and 11 to Bert Lowe Supply. To ensure a continuity of supply, flexibility to order product from either vendor as a secondary source, and tertiary from the open market is included in this recommendation. All materials are code approved and will be used in Clearwater Gas System's distribution network for new customers' house piping; existing meters and related piping/fittings are replaced as they reach the end of their useful life.

APPROPRIATION CODE AND AMOUNT:

Capital project funds are available in Gas' New Mains and Service Lines 323-96377 (Pinellas) and 323-96378 (Pasco)

- FY19 \$11,667 (1 month)

Future fiscal year capital project funding will include:

- FY20 \$140,000
- FY21 \$140,000
- FY22 \$128,333 (11 month)

In response to a questions, Gas System Assistant Director Brian Langille said Clearwater Gas revenues are used to fund the budgeted items. Gas System Managing Director Chuck Warrington said there are approximately

100 employees in the department and approximately 30 Full-Time Equivalent contracted employees.

Councilmember Hamilton moved to award Invitation to Bid Number 45-19, Galvanized Pipe and Fittings, to Bert Lowe Supply of Lakeland, Florida and Empire Pipe Orlando of Sanford, Florida, for the supply of galvanized pipe and fittings, in the annual not-to-exceed amount of \$140,000 with option for two one-year term extensions and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 9.7** Approve purchase orders for payment of premiums to various providers under the City's 1% life insurance program in the annual not-to-exceed amount of \$150,000 for the period October 1, 2019 through September 30, 2022 and authorize the appropriate officials to execute same.

The City maintains a benefit for employees referred to as the 1% life insurance program. The program provides for employees to contribute up to 1% of their annual salary toward life insurance premiums with the City matching that amount. Effective October 1, 2008, no new enrollments in the program are permitted, but grandfathered employees are allowed to continue participation. This program was replaced for CWA represented employees with life insurance coverage of \$50,000 provided by Unum.

Pursuant to City Code section 2.564 (1)(j) Contracts of Insurance, insurances are exempt from competitive solicitation.

This request is to approve new three-year agreements with each of the following insurers for ongoing participants:

Axa Equitable Life Insurance Company, \$7,000
Prudential Insurance Company, \$6000.00
Western Premier Life Insurance Company, \$10,000
Principal Life Insurance Company, \$29,000
New York Life Insurance Company, \$98,000

APPROPRIATION CODE AND AMOUNT:

Funds for City contributions to this program are included in the annual budget.

Councilmember Allbritton moved to approve purchase orders for payment of premiums to various providers under the City's 1% life insurance program in the annual not-to-exceed amount of \$150,000 for the period October 1, 2019 through September 30, 2022 and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 9.8** Authorize the funding of city medical insurance and a contract between the City and Cigna Healthcare for administrative services under a self-insured funding arrangement for the period January 1, 2020 through December 31, 2020, at a total not-to-exceed amount of \$20 million, to be funded by city budgeted funds, payroll deductions of employee and retiree premiums.

Historically, the City's health care costs have escalated due to increased inflation in health care expenses (approximately 9% to 12% annually) which are reflected in the City's claims experience. The result was increased costs for the City, the employees, family members, and retirees who participated in the city plan.

In recent years, the City has seen cost increases trending downward, which can be attributed to savings incurred by shifting costs from the medical plan to the Employee Health Center and a greater focus on wellness by the City and employees. These savings resulted in health plan design changes that lowered the office visit co-pays, hospital admission fee, and prescription drug co-pays.

The City historically pays 100% of Employee only coverage, 75% of Employee + 1 coverage and 68% of Employee + Family coverage. For plan year 2019, the projected increase was 4.4%. This increase was due to several large claims. The majority of the City Benefits Committee agreed that the employees would pay the employee share of the increase and return to the 75%, 68% shared cost.

For plan year 2020, the projected increase is 5.0% for the self-funded medical program. This increase is primarily driven to maintain adequate funding to cover projected medical trend increases and cover continued current large claim costs, as well as, the addition of a preventative screening incentive program. The plan continues to run well. As of June 2019, the plan spend is below budgeted expenses by 7.8%. The City Benefits Committee unanimously voted to renew with the 5% increase at the 75%/68% contribution scenario for dependent coverage.

Upon review of the current preventative screening utilization, the addition of the incentive program "Motivate Me" is recommended. Under this program employees will receive incentives (up to \$200 per year) after participating in various preventative healthcare activities such as general health screenings at the Employee Health Center, and more advanced screenings such as colonoscopies and mammograms, and chronic health condition coaching. These rewards are directly tied to cost drivers on the City's medical plan and are an essential part of controlling increases over the long term. All incentive costs are included in the medical plan funding.

The estimated contract increase for 2020 is \$994,324. The City's fiscal 2020 budget is \$18,919,650 which includes \$17,219,650 million across all operations

for health plan costs and \$1,700,000 budgeted for the Employee Health Center, a budgeted increase of approximately \$612,830 from fiscal year 2018/19.

APPROPRIATION CODE AND AMOUNT:

Funds are available in the cost code 5907590-530300 (contractual services) and 5907590-545602 (major medical claims) to fund the City's portion; and revenues from payroll deductions and retiree premiums will provide remaining funds necessary to fund this contract.

Human Resources Manager Jill Paul provided a PowerPoint presentation.

In response to questions, Human Resources Director Jennifer Poirrier said there are 2,600 individuals on the plan. Ms. Paul said 66% of the employees utilize the health center. Ms. Poirrier said staff is not sure why 33% of the employees do not use the health center but hope the new MotivateMe program attracts those employees to the health center.

Vice Mayor Cundiff moved to authorize the funding of city medical insurance and a contract between the City and Cigna Healthcare for administrative services under a self-insured funding arrangement for the period January 1, 2020 through December 31, 2020, at a total not-to-exceed amount of \$20 million, to be funded by city budgeted funds, payroll deductions of employee and retiree premiums. The motion was duly seconded and carried unanimously.

- 9.9** Approve a revised Standard Agreement Form to be used with the various Youth Co-Sponsor Groups and the City of Clearwater and authorize the appropriate officials to execute same.

On January 17, 2013, Council approved a Standard Agreement Form to be used with the various Youth Co-Sponsor Groups including groups such as the Clearwater Little League, Countryside Cougars Football, Clearwater Soccer, etc. that provide recreational and competitive youth sports opportunities for Clearwater Youth.

Currently, there are 12 Youth Co-Sponsor Groups that have been recognized by the City and have agreements with the City. These youth groups provide programming for baseball, football, soccer, swimming, lacrosse, softball, track and field, and basketball.

The City annually meets with each group and enters into a Sports and Program

Youth Co-Sponsor Agreement.

Revisions to the existing Agreement are being requested in order to clarify the roles between the City and the Co-Sponsor Groups and provide clear expectations for the Co-Sponsor Groups. The Agreement covers areas such as ADA compliance, training opportunities, financial stewardship, insurance requirements, facility care, publicity, participation guidelines, scheduling needs, etc.

Since there are numerous Youth Co-Sponsor Group Agreements to negotiate and approve, staff is recommending that the Council continue to allow the City Manager or his designee to enter into these revised agreements.

Councilmember Polglaze moved to approve a revised Standard Agreement Form to be used with the various Youth Co-Sponsor Groups and the City of Clearwater and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

9.10 Award Request for Proposals 30-19, Event Rental Equipment and Services, to Elite Event and Rentals of Tampa, FL in the annual not-to-exceed amount of \$75,000 with the option of three one-year renewals at the City's discretion and authorize the appropriate officials to execute same.

Request for Proposals (RFP) #30-19 was issued on May 7, 2019 for event rental equipment and services, and the City received four responses. Elite was selected by the evaluation committee as the most responsive and competitive proposal and is in the best interest of the City.

Elite will provide rental equipment, including set-up and breakdown services, and the personnel required to complete the services for a variety of city events and city-partnered events. The equipment supplied will include, but is not limited to: tents, tables, chairs, linens, dance floors, non-stage lighting, and decorative fencing.

The events utilizing Elite will include a variety of sizes and scopes, both indoor and outdoor, ranging from large music festivals to small community events and ceremonies. The term for (RFP) #30-19 is September 2019 through August 2020, with the option of three one-year renewals at the City's discretion.

Elite has previously provided these services for the City and has an exceptional record of performance and responsiveness to the needs of the City. Elite is familiar with all rules, regulations, and standards required by the City of Clearwater.

APPROPRIATION CODE AND AMOUNT:

Budgeted funds are available from Special Event Code 0181-99865 and Special Events Code 010-01804, and occasionally come from various department cost centers.

Vice Mayor Cundiff moved to award Request for Proposals 30-19, Event Rental Equipment and Services, to Elite Event and Rentals of Tampa, FL in the annual not-to-exceed amount of \$75,000 with the option of three one-year renewals at the City's discretion and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 9.11** Approve a three-year agreement and Work Order to Wright-Pierce, Inc., in the amount of \$1,640,880, for Wastewater Collection System Flow Monitoring Services (19-0024-UT) and authorize the appropriate officials to execute same.

February 22, 2019, Request for Qualifications (RFQ 23-19) was issued seeking a consulting firm to provide Wastewater Collection System Flow Monitoring Services with the goal to identify areas of Inflow and Infiltration (I&I) requiring remediation. I&I flows increase sanitary sewer transmission and treatment costs as well as contribute to sanitary sewer overflows.

In April, the RFQ selection committee, consisting of representatives from the Public Utilities and Engineering departments, met after independent review to discuss their ranking of the consulting firms that submitted qualifications. Subsequently, the Selection Committee shortlisted two consulting firms for interviews.

The two consulting firms completed oral presentations in May, and the selection committee chose Wright-Pierce, Inc., to perform the Wastewater Collection System Flow Monitoring, including data analysis and reporting, for a 36-month period with the goal of helping the City reduce I&I.

The City of Clearwater's Public Utilities Department is responsible for owning, operating and maintaining the Wastewater Collection System.

APPROPRIATION CODE AND AMOUNT:

3217321-530100-96212 \$1,640,880

Funds are available in capital improvement project 96212, Sanitary Sewer Upgrade/Improvements, to fund this work order.

In response to a question, Engineering Manager Jeremy Brown said the systems were designed to handle wastewater, not stormwater, which overloads the system.

Councilmember Hamilton moved to approve a three-year agreement and Work Order to Wright-Pierce, Inc., in the amount of \$1,640,880, for Wastewater Collection System Flow Monitoring Services (19-0024-UT) and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 9.12** Approve an Engineer of Record (EOR) design Work Order to Metzger and Willard of Tampa, FL, in the amount of \$262,020.00 for the Rehabilitation of Lift Stations 54 and 65 and Lift Station Standards (18-0058-UT) and authorize the appropriate officials to execute same.

Lift stations 54 and 65 both have corrosion in interior and exterior discharge piping and pumps, interior concrete walls requiring repair and outdated control panels in need of replacement.

EOR Metzger and Willard will provide design, permitting, and bidding services associated with repair and replacement of pipes, pumps, electrical systems, instrumentation and controls at lift stations 54 and 65. Work also includes preparation of standard drawings and specifications that will be used for all new and rehabilitated lift stations within the City of Clearwater.

It is anticipated the design will be completed within 320 calendar days from the date of council approval.

APPROPRIATION CODE AND AMOUNT:

3217321-5300100-96686 \$262,020.00

Funding is available in Capital Improvement Project 96686, Pump Station Replacement, to fund the work order.

Councilmember Allbritton moved to approve an Engineer of Record (EOR) design Work Order to Metzger and Willard of Tampa, FL, in the amount of \$262,020.00 for the Rehabilitation of Lift Stations 54 and 65 and Lift Station Standards (18-0058-UT) and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 9.13** Award a construction contract to TLC Diversified, Inc. of Palmetto, FL in the amount of \$1,980,261.25 for Lift Station 45 Force Main Replacement (17-0016-UT); approve Engineer of Record (EOR) Supplemental Two Work Order from McKim and Creed in the amount of \$192,233; and authorize the appropriate officials to execute same.

Lift Station 45 Force Main Replacement project includes installation of approximately 4,500 linear feet of 20-inch HDPE (Directional Drill Pipe) and about 550 linear feet of 16-inch ductile iron pipe (Open Cut) along Gulf Blvd. These improvements are necessary due to a history of maintenance issues along this pipeline.

Six bids were received. After reviewing the bids, the EOR recommended award to TLC Diversified Inc. as the lowest responsible bid.

In May 2017 and May 2019, City Council and the City Manager respectively, approved an initial Work Order to McKim and Creed in the amount of \$170,847.00 to evaluate, design and permit the replacement of the sanitary sewer force main; and Supplemental Work Order 1 in the amount of \$10,339.00 for additional geotechnical services related to deeper than anticipated directional drill depths.

Supplemental Work Order 2 provides for engineering services and field observation during construction including: shop drawing reviews, responses to contractor requests for information, progress meetings, final inspection and Florida Department of Environmental Protection permit close-out for total work order value of \$373,419.00.

It is anticipated the construction will be completed within 210 calendar days from issuance of Notice to Proceed.

The City of Clearwater's Public Utilities Department is responsible for owning, operating, and maintaining the sanitary sewer system.

APPROPRIATION CODE AND AMOUNT:

3217321-563800-96212 \$1,980,261.25

3217321-561300-96212 \$ 192,233.00

Funding is available in Capital Improvement Project 96212, Sanitary Sewer Upgrade, to fund the contract and work order.

Vice Mayor Cundiff moved to award a construction contract to TLC Diversified, Inc. of Palmetto, FL in the amount of \$1,980,261.25 for Lift Station 45 Force Main Replacement (17-0016-UT); approve Engineer of Record (EOR) Supplemental Two Work Order from McKim and Creed in the amount of \$192,233; and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

9.14 Award a construction contract to Waterfront Engineering, Inc. of Tampa, Florida for 2019 City Seawalls Project (19-0021-EN) in the amount of \$254,710.50 and authorize the appropriate officials to execute same.

The 2019 City Seawalls Project consists of repairs at eight locations: five on Island Estates, two at street ends on the intercoastal, and one at the Betty Lane bridge over Stevenson Creek. Repairs include replacement of seawall caps and anchors, installation of secondary tiebacks, drain installation, cleaning of seawall joints, and hydraulic grout installation.

Two bids were received, Waterfront Engineering, Inc. is the lowest responsible bid received with plans and specifications.

APPROPRIATION CODE AND AMOUNT:

ENGF180006-CONS-CNSTRC

Funds are available in capital improvement project ENGF180006, Citywide Docks and Seawalls, to fund this contract.

Councilmember Hamilton moved to Award a construction contract to Waterfront Engineering, Inc. of Tampa, Florida for 2019 City Seawalls Project (19-0021-EN) in the amount of \$254,710.50 and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 9.15** Provide direction regarding development of a program for businesses to provide for-hire motorized scooters to the public and for the use of these and other micromobility devices in the city.

The past few years have seen an explosive growth in businesses offering dockless motorized scooters for-hire using a reservation system (commonly known as e-scooters). Cities have had to quickly determine how to regulate the use of these devices and the businesses that provide this service. The Florida Legislature passed House Bill 453 in the Spring 2019 session, designating motorized scooters available by reservation (for-hire) with a maximum operating speed of 20 miles per hour as “micromobility devices”, and gave riders of these vehicles the same rights and duties of a bicycle rider. This legislation was signed into law on June 18, 2019 and took effect immediately, thereby allowing riders to use their motorized scooters on sidewalks and in roads, the same as a bicyclist is allowed. However, the bill preserved home rule rights to allow local jurisdictions the opportunity to create their own regulatory framework for these devices.

In June, the City Council passed a 6-month moratorium on the use of and the offering for-hire of motorized scooters and other micromobility devices to allow for staff to prepare regulations and propose a plan for operators to offer motorized scooters for-hire. Locally, Tampa rolled out a motorized scooter program around that same time, and St. Petersburg has developed a program and other regulatory measures (i.e., required ordinance changes) for its council's consideration this month, with the goal to launch the program by early winter this year. These programs take different approaches to several key program components, such as where riders can rent and use the motorized

scooters, where they should park the devices, what hours the rental scooters are available for use, and how many scooters are available for hire, as is shown in the matrix provided.

Staff has reviewed the benefits and challenges, as well as the details of several programs around the country, in addition to the local programs, and will summarize these in its presentation. Staff is requesting direction as to allowing the use of motorized scooters in the city either on a for-hire basis (rental) and/or for private owner use. If the direction is to proceed with developing a program and associated regulations, then guidance on the following key components is requested:

- Where to allow scooters to be used (i.e., citywide or in which specified areas)?
- Where to allow scooters to be ridden (i.e., on the road or on sidewalks)?
- What type of parking requirements should be established?
- What hours should e-scooters available for-hire be allowed in the city?

An ordinance to amend city regulations and a draft program would be presented to City Council at a future meeting, which would address additional administrative and operational details, if the direction given is to proceed.

Transportation Planner Ric Hartman provided a PowerPoint presentation.

In response to questions, Mr. Hartman said staff would come back to Council in November with program guidelines and Request for Proposals for vendors. Concerns raised during program development, along with vendor input, help guide the process and details related to storage facility, staffing, and answering calls. The City Attorney said if for-hire motorized scooters are banned, the City would regulate the private users differently. Assistant City Attorney Matt Smith said the City's moratorium addresses Private and for-hire scooters. Mr. Hartman said staff would develop a program for the downtown area. The City Attorney said if motorized scooters are allowed where bicycles are permitted, under state law, that is everywhere. Mr. Smith said state law allows the motorized scooter to go everywhere bicycles can but Council may limit areas.

One individual spoke in support and suggested allowing use in Downtown but not on the sidewalks.

One individual questioned the City's liability if there are accidents.

One individual suggested investigating other city programs to ensure safety issues are addressed.

One individual spoke suggested the City wait before implementing a

program and suggested not to permit use on sidewalks.

One individual suggested allowing staff to research and make recommendations.

One individual spoke in support and said if the pilot program does not work, the City can stop the program.

Mr. Hartman said for-hire programs are income generating and require riders to waive any liability. The City will have insurance coverage as part of the program agreement with each operator. The 12-month pilot program could be stopped at any time. Staff is considering a program in downtown area that starts at the waterfront, from Drew Street past Myrtle Avenue; geofencing will keep the motorized scooters off certain roads. He said the City of St. Petersburg allows the scooters to be used on the trails during certain hours. Staff is talking with Pinellas County regarding motorized scooters on the trail since it is within their jurisdiction.

Discussion ensued with consensus for staff to develop a pilot program, allow motorized scooters in the roadway in the downtown area, and present recommendations for a pilot program in November.

9.16 Award Invitation to Bid 43-19, Service Brass and Brass Valves, to Ferguson Enterprises LLC dba Ferguson Waterworks of Tampa, FL and Fortiline Waterworks of Tampa, FL, for the supply of service brass and brass valves, in the annual not-to-exceed amount of \$200,000, with the option for two one-year term extensions and authorize the appropriate officials to execute same.

Body: SUMMARY:

Invitation to Bid (ITB) #43-19 was issued on June 20, 2019 for the supply of service brass and brass valves. Five bids were received on July 23, 2019. Two vendors, Ferguson Waterworks and Fortiline Waterworks, are recommended for award, representing the most responsive and responsible low bidders meeting the specifications for Bid #43-19.

For placing orders, the primary award is as follows: Item Groups A, B, C, D, F, G, H, K, Q and R to Ferguson Enterprises, and Item Groups E, I, J, L, M, N, O and P to Fortiline Waterworks. To ensure a continuity of supply, flexibility to order product from either vendor as a secondary source, and tertiary from the open market is included in this recommendation.

The contract will be effective on October 1, 2019, for an initial one-year period with two one-year renewal terms available to the City. Renewal Terms allow for cost increases based on the Producer Price Index #102502 Copper and Brass Mill Shapes. Renewal prices shall be firm for the respective annual term.

APPROPRIATION CODE AND AMOUNT:

Budgeted funds for FY20 are available in Public Utilities' cost center 550400
Operating Supplies & Materials:

- FY20 \$200,000

Future fiscal year budgets will include requests for funding:

- FY21 \$200,000
- FY22 \$200,000

Councilmember Allbritton moved to award Invitation to Bid 43-19, Service Brass and Brass Valves, to Ferguson Enterprises LLC dba Ferguson Waterworks of Tampa, FL and Fortiline Waterworks of Tampa, FL, for the supply of service brass and brass valves, in the annual not-to-exceed amount of \$200,000, with the option for two one-year term extensions and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

9.17 Award Invitation to Bid 46-19, Backflow Devices and Parts, to Ferguson Enterprises LLC dba Ferguson Waterworks of Tampa, FL, Core and Main LP of St Louis, MO and American Backflow Products Company of Tallahassee, FL, for the supply of backflow devices and parts, in the annual not-to-exceed amount of \$250,000, with the option for two one-year term extensions and authorize the appropriate officials to execute same.

Invitation to Bid (ITB) 46-19 was issued on July 11, 2019 for the supply of backflow devices and parts. Seven bids were received on August 8, 2019. Three vendors - Ferguson Waterworks, Core & Main LP and American Backflow Products Company are recommended for award, representing the most responsive and responsible low bidders, meeting the specifications for Bid 46-19.

For placing orders, the award is as follows: Groups 1, 5 and 7 to Ferguson Waterworks, Groups 2, 3, 4 and 6 to Core & Main LP and Groups 8 and 9 to American Backflow Products Company. To ensure a continuity of supply, flexibility to order product from either vendor as a secondary source for Groups 1-7 when urgent and primary is out of stock and tertiary from the open market is included in this recommendation.

The contract will be effective on October 1, 2019 for an initial one-year period with two one-year renewal terms available to the City. Renewal Terms allow for cost increases based on the Producer Price Index #1017, Steel mill products. Renewal prices shall be firm for the respective annual term.

APPROPRIATION CODE AND AMOUNT:

Budgeted funds for FY20 are available in Public Utilities' cost center 550400

Operating Supplies & Materials:

- FY20 \$250,000

Future fiscal year budgets will include requests for funding:

- FY21 \$250,000
- FY22 \$250,000

Councilmember Polglaze moved to award Invitation to Bid 46-19, Backflow Devices and Parts, to Ferguson Enterprises LLC dba Ferguson Waterworks of Tampa, FL, Core and Main LP of St Louis, MO and American Backflow Products Company of Tallahassee, FL, for the supply of backflow devices and parts, in the annual not-to-exceed amount of \$250,000, with the option for two one-year term extensions and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 9.18** Authorize a sole source award to Hudson Pump and Equipment of Lakeland, Florida for Flygt pumps, parts and services, in the annual amount of \$200,000.00, with the option for two, one-year extensions, pursuant to Clearwater Code of Ordinances Section 2.564 Exceptions to Bidding and authorize the appropriate officials to execute same.

Flygt AC (Allis Chalmers) Pumps are standardized in the City's wastewater facilities for filter effluent and backwash pumping applications due to reliability of the pumps and to facilitate operational and maintenance efficiency. Hudson Pump & Equipment is the regional distributor of Flygt equipment and services, a division of Tencarva Machinery Co. LLC of Greensboro, NC. Standardization of pumping equipment reduces redesign/retrofit of the piping systems and overall down time, which is critical to maintaining regulatory compliance. Standardization also reduces the required stocking of parts, replacement pumps, and the cost of maintenance operations.

In accordance with City Code Section 2.564 (1)(b), Exceptions to Bidding, Hudson Pump has been determined a sole source vendor for Flygt AC (Allis Chalmers) Pumps, replacement parts and factory authorized service.

APPROPRIATION CODE AND AMOUNT:

Budgeted funds for FY20 are available in Public Utilities' cost center 550400

Operating Supplies & Materials:

- FY20 \$200,000

Future fiscal year budgets will include requests for funding:

- FY21 \$200,000
- FY22 \$200,000

Vice Mayor Cundiff moved to authorize a sole source award to Hudson Pump and Equipment of Lakeland, Florida for Flygt pumps, parts and services, in the annual amount of \$200,000.00, with the option for two, one-year extensions, pursuant to Clearwater Code of Ordinances Section 2.564 Exceptions to Bidding and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 9.19** Award a contract (blank purchase order) to Jet Age Fuel, Inc. of Clearwater, FL in the annual amount of \$2,700,000 for the purchase of unleaded and diesel fuel, with two one-year renewal terms at the City's option and authorize the appropriate officials to execute same.

Invitation to Bid (ITB) No. 37-19 was issued in July 2019. Three responses were received. The ITB pricing structure was based on specific dates' rack rates, and the respective Fixed Fee Markup (+ or -) from the bidders. Fuel prices change daily based on the rack rate market index (OPIS), markups, and applicable taxes/fees. For general reference, on July 26, 2019, fuel prices were \$2.13 for unleaded and \$ 2.30 for diesel, per gallon.

This contract is for the purchase of unleaded and un-dyed diesel fuel for delivery to the City's fuel facility located at 1701 N. Hercules Avenue and for the purchase of dyed diesel for delivery to the City's fixed and mobile generators at various locations within the city. The fuel purchased from this contract is utilized in the majority of city equipment, including police and fire.

Jet Age was the lowest bidder on ITB 37-19. Additionally, the ITB required a written commitment from the supplier of their ability to be responsive to Clearwater in emergency situations. Jet Age provided a written confirmation of their ability to supply fuel 24 hours a day, seven days a week, including during the hurricane season; and if their supply from the Port of Tampa is interrupted they have the ability to obtain fuel via truck from Jacksonville, Florida or Bainbridge, Georgia.

Per the US Energy Information Administration, the average retail price for diesel to-date in 2019 is \$3.04 per gallon and the average retail price for unleaded to-date is \$2.79 per gallon (projections of cost for the period of this award were averaged to estimate the price per gallon and includes taxes for which the City is reimbursed). The City does not pay Federal taxes but does pay state taxes at time of payment and submits for reimbursement on a monthly basis.

APPROPRIATION CODE AND AMOUNT:

Budgeted funds for FY19 are available in the Garage Fund cost code 5666611-550500 (Fuel)

- FY19 \$225,000 (1 month)

Funds for FY20 are included in the proposed budget for the Garage Fund cost code 5666611-550500 (Fuel)

- FY20 \$2,700,000

Future fiscal year budgets will include requests for funding:

- FY21 \$2,700,000
- FY22 \$2,475,000 (11 months)

The Council recessed from 9:07 p.m. to 9:15 p.m.

Councilmember Hamilton moved award a contract (blank purchase order) to Jet Age Fuel, Inc. of Clearwater, FL in the annual amount of \$2,700,000 for the purchase of unleaded and diesel fuel, with two one-year renewal terms at the City's option and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

9.20 Appoint two members to the Nuisance Abatement Board with terms to expire August 31, 2023.

APPOINTMENT WORKSHEET

BOARD: Nuisance Abatement Board

TERM: 4 years

FINANCIAL DISCLOSURE: Yes

APPOINTED BY: City Council

RESIDENCY REQUIREMENT: City of Clearwater

MEMBERS: 7

CHAIRPERSON:

MEETING DATES: As Called, 1st Wed./Month - 3:00 pm

PLACE: Main Library

APPTS. NEEDED: 2

Purpose: The Nuisance Abatement Board will be composed of seven city residents who will conduct hearings on public nuisance cases associated with prostitution and drug-related activities on known properties throughout the City.

THE FOLLOWING ADVISORY BOARD MEMBERS TERMS HAVE EXPIRED AND NOW REQUIRE EITHER **REAPPOINTMENT** FOR A NEW TERM OR **REPLACEMENT** BY A NEW APPOINTEE:

1. Susan Oliveto - 100 Waverly Way #303, 33756 - English Teacher/Librarian

Original appointment: 8/4/16
(was filling unexpired term until 8/31/19)
Interest in reappointment: **Yes**

2. Nancy O'Neill - 1360 Druid Road, 33756 - **Restaurant Owner**
Original appointment: 8/20/15
(was serving 1st term until 8/31/19)
Interest in reappointment: **Yes**

THE NAME BELOW IS ALSO BEING SUBMITTED FOR CONSIDERATION TO
FILL ONE OF THE ABOVE VACANCIES:

1. Patrick J. Raftery - 3237 Masters Dr., 33761 - **Senior Buyer/Supervisor**

Zip codes of current members:

1 at 33755
5 at 33756
1 at 33759

Current Categories:

Analyst
Attorney
Clinical Social Worker
English Teacher/Librarian
HR Analyst
Production Tour/Manager
Restaurant Owner

Councilmember Cundiff moved to reappoint Susan Oliveto and Nancy O'Neill to the Nuisance Abatement Board with terms to expire August 31, 2023. The motion was duly seconded and carried unanimously.

9.21 Confirm the Declaration of a State of Emergency due to conditions surrounding Hurricane Dorian and adopt Resolution 19-30.

The City Manager issued a Proclamation of a State of Emergency on August 31, 2019 based on the conditions surrounding Hurricane Dorian. Section 15.07(2) of the Clearwater Code of Ordinances requires the City Council to confirm a Declaration of a State of Emergency at the next regularly scheduled meeting.

Councilmember Hamilton moved to confirm the Declaration of a State of Emergency due to conditions surrounding Hurricane Dorian. The motion was duly seconded and carried unanimously.

Resolution 19-30 was presented and read by title only.

Councilmember Allbritton moved to adopt Resolution 19-30. The motion was duly seconded and upon roll call, the vote was:

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

9.22 Provide direction on renaming the Bayfront Tennis Complex and Coachman Park to Coachman Commons.

Following the Imagine Clearwater planning phase, staff seeks to create a strong identity for the public spaces at the downtown waterfront through renaming the physical entity as Coachman Commons.

Coachman Commons is the multi-use, vibrant public park and arts destination available to residents and visitors year-round. Consistent with Imagine Clearwater's publicly agreed upon plan and community vision, Coachman Commons encompasses an active, authentic, iconic and open civic space from the Clearwater Main Library to the former city hall site.

Active- A public space that is available 365 days a year with arts, events and activations for residents and visitors alike.

Authentic- Highlighting the city's unique assets at the downtown waterfront as a versatile destination.

Iconic- Providing a high-quality arts destination and public space that uses light, sound and technology to immerse and engage visitors.

Open-Connected sets of public places impact civic engagement, environmental sustainability and economic development.

Staff is requesting that Council approve the recommendation to rename Bayfront Tennis Complex, 301 Cleveland St, Clearwater FL, 33755 and Coachman Park, 301 Drew Street, Clearwater, FL 33755 to the new name of Coachman Commons. Upon approval of this recommendation by council the item will be referred to the Parks & Recreation Advisory Board so the item can have a public hearing and be voted on by the Parks and Recreation Board at their October 22, 2019 meeting. Because Coachman Park was previously named by resolution of Council, following the Parks and Recreation Board action, this item will return to Council for approval by resolution.

Assistant City Manager Michael Delk provided a PowerPoint presentation.

In response to questions, Mr. Delk said preliminary discussions on the establishment of a conservancy group is underway; staff is working through the logistics to determine how it will be integrated. He anticipates the matter coming before Council soon.

There was council consensus for staff to request the Parks and Recreation Advisory Board to consider the name change.

10. City Attorney Reports – None.

11. Other Council Action

11.1 Fence Code - Councilmember Polglaze

Item 11.1 continued to September 16, 2019.

11.25G Small Cell Technology - Councilmember Allbritton

Councilmember Allbritton said he was getting emails regarding the safety concern of 5G Small Cell Technology and reviewed a resolution urging the federal government to conduct research on the health impact of the technology.

Comments were made that the resolution had no teeth but it put the City on record as urging the federal government to provide more information to the citizens and that the issue is important to study. It was said that studies were done during the development of the technology but there will always be a portion of the population who will always have concerns.

Councilmember Polglaze moved to approve Agenda Item 11.2 The motion was duly seconded and carried unanimously.

Resolution 19-29 was presented and read by title only.

Vice Mayor Cundiff moved to adopt Resolution 19-29. The motion was duly seconded and upon roll call, the vote was:

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

12. Closing comments by Councilmembers (limited to 3 minutes) – None.

13. Closing Comments by Mayor

Mayor Cretekos reviewed recent and upcoming events.

14. Adjourn

The meeting adjourned at 9:50 p.m.

Attest

Mayor
City of Clearwater

City Clerk