

City of Clearwater

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



Meeting Minutes

Thursday, March 17, 2016

6:00 PM

Council Chambers

City Council

Roll Call

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

Also Present: William B. Horne II – City Manager, Pamela K. Akin - City Attorney, Rosemarie Call - City Clerk and Nicole Sprague – Official Records and Legislative Services Coordinator

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

Unapproved

1. Call to Order – Mayor Cretekos

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

2. Invocation – Pastor Chuck Engelhardt from Heritage United Methodist Church

3. Pledge of Allegiance – Vice Mayor Polglaze

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.)

- 4.1 Healthy Weight Community Champion - Megan Carmichael, Community Partnership Coordinator - Dept. of Health in Pinellas County

January 28, 2016

PINELLAS COMMUNITIES RECOGNIZED AS HEALTHY WEIGHT CHAMPIONS

Five communities in Pinellas County were recognized by the Florida Department of Health as 2016 Healthy Weight Community Champions. The recognition program highlights local government efforts to increase physical activity and improve nutrition as part of Healthiest Weight Florida.

“By working toward creating healthy environments, these local governments have shown their commitment to improving the health of all Floridians,” said State Surgeon General and Secretary of Health Dr. John Armstrong. “We are proud to see the number of recognized communities growing steadily each year.”

Ms. Carmichael presented the 2016 Healthy Weight Community Champions Award to the Mayor and thanked the City for their continued efforts.

4.2 March Service Awards

One service award was presented to a city employee.

4.3 Complete Street Savvy - Becky Afonso, Exec. Dir. Florida Bicycle Association

Ms. Afonso presented a PowerPoint presentation.

4.4 Visit St. Pete - Clearwater - Mary DeLong

St. Petersburg Film Commissioner Tony Armer presented Council with a copy of the latest Gulf to Bay edition, which celebrated Clearwater Beach as the number 1 beach in the country by Tripadvisor.

4.5 Florida Surveyors and Mappers Week Proclamation, March 20-26, 2016 - Justin Polaris, Tampa Bay Chapter of the Florida Surveying and Mapping Society

4.6 Coast Bike Share Presentation - Whit Blanton, MPO Executive Director

Mr. Blanton provided a PowerPoint presentation.

In response to questions, Mr. Blanton said Coast Bike Share is operating in Tampa and currently negotiating with St. Petersburg. The bikes have GPS capability. Orlando's bike share program documented 20,000 rides during their first year of operation.

5. Approval of Minutes

- 5.1 Approve the minutes of the March 3, 2016 City Council Meeting and the February 12, 2016 Special City Council Meeting as submitted in written summation by the City Clerk.

Councilmember Jonson moved to approve the minutes of the March 3, 2016 City Council Meeting as submitted in written summation by the City Clerk. The motion was duly seconded and

carried unanimously.

Councilmember Caudell moved to approve the minutes of the February 12, 2016 Special 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

Frank Hibbard expressed condolences to Clearwater residents, who recently lost a special citizen, former Councilmember JB Johnson; he was an amazing man who served this country and Clearwater well.

JoBeth Dickson said she sent Council an email opposing the proposed Clearwater Marine Aquarium (CMA) expansions and suggested that the project approval process be amended to require the public hearing be held one month before the vote to allow public input. She also suggested that the CMA require visitors purchase tickets in advance with a timed arrival.

Lisa Gagnon and Kelly Falton opposed the CMA expansion and expressed concern with the vehicular traffic leaving the beach.

Neil Spillane expressed concerns with the parking capacity near the CMA while the expansion is under construction. He said he requested Publix to build the new facility at the south end of the current site instead of rebuilding at current location.

Bonny Sanchez expressed concerns with the sea level rising and the vehicular traffic near Island Estates and State Road 60.

Brian Aungst thanked Council, city staff, the Clearwater Charter Review Committee, and the Clearwater Regional Chamber of Commerce for their effort and support related to the charter referendum questions and thanked the Clearwater Downtown Partnership for supporting the political committee and a successful public engagement component.

Zack Thorn and David Loyd supported the passage of the charter review referendum questions, which will help promote the growth and economic health of the community.

7. Consent Agenda – Approved as submitted, less Item 7.4.

- 7.1** Approve contract (blanket purchase order) for Women's Softball Promotional Services to Michele Smith Inc. of St. Petersburg Fl, in the annual amount of \$60,000 (Invitation to Bid 10-16), and two one-year renewal terms at the City's option and authorize the appropriate officials to execute same. (consent)

- 7.2 Approve the conveyance of Distribution Easements to Duke Energy for the installation and maintenance of subaqueous power lines that will run from Skiff Point on Island Estates to Bay Esplanade and authorize the appropriate officials to execute same. (consent)
- 7.3 Approve a five-year Management Agreement with Mr. and Mrs. Robert E. Smith for management over the Hillsborough Sludge Farm and authorize the appropriate officials to execute same. (consent)
- 7.4 Award a construction contract to Pospiech Contracting Inc., for construction of Magnolia Drive Outfall Improvements Project (12-0023-EN) in the amount of \$5,982,694.60, which is the lowest responsible bid received in accordance with plans and specifications and approve the second amendment to the Cooperative Funding Agreement (N445) with Southwest Florida Water Management District (SWFWMD) to extend the contract expiration date to June 30, 2019 and authorize the appropriate officials to execute same. (consent)

See below.

- 7.5 Award a contract (Purchase Order) in the amount of \$ 186,110.00 to Ten-8 Fire Equipment, Inc., 2904 59th Avenue Drive East, Bradenton, FL 34203 for one Osage Warrior Rescue Ambulance 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 interest; and authorize the appropriate officials to execute same. (consent)
- 7.6 Approve an annual blanket purchase order (contract) and two one-year renewal terms at the City's option to J Grez Transport, Inc. of Tampa, FL in the amount of \$165,000, for the hauling of single stream recycling commodity from the City's recycling facility to the processing contractor's facility, from April 1, 2016 through March 31, 2017, as provided in the City's Code of Ordinances, Section 2.561, and authorize the appropriate officials to execute same. (consent)
- 7.7 Appoint Carmen Santiago to the Neighborhood and Affordable Housing Advisory Board (NAHAB) to fill the remainder of an unexpired term through November 30, 2017, as a citizen who resides within the City of Clearwater. (consent)
- 7.8 Appoint one member to the Environmental Advisory Board to fill the remainder of an unexpired term until September 30, 2017.

Councilmember Caudell moved to approve the Consent Agenda as submitted, less Item 7.4, and authorize the appropriate officials to execute same. The motion was duly seconded and carried

unanimously.

- 7.4** Award a construction contract to Pospiech Contracting Inc., for construction of Magnolia Drive Outfall Improvements Project (12-0023-EN) in the amount of \$5,982,694.60, which is the lowest responsible bid received in accordance with plans and specifications and approve the second amendment to the Cooperative Funding Agreement (N445) with Southwest Florida Water Management District (SWFWMD) to extend the contract expiration date to June 30, 2019 and authorize the appropriate officials to execute same. (consent)

The existing storm and sanitary systems in this area are nearing the end of their useful lifespan and this project will replace them with new infrastructure that provides an improved level of service.

The existing stormwater inlets are frequently clogged by leaves or other debris and will be replaced with open throat inlets.

The project also includes 3 stormwater treatment devices which will collect leaves and debris improving efficiency of maintenance staff and improving water quality.

The improvements will be maintained by the Stormwater Maintenance Division and Public Utilities Department.

Construction duration is 635 calendar days with an anticipated start in early April 2016 and completion by late spring of 2018.

March 21, 2013, City Council approved the initial SWFWMD agreement in an amount of \$550,000.

July 17, 2014, City Council approved the first amendment to the initial SWFWMD agreement extending the contract period to April 15, 2016 and increasing cooperative funding by \$1,000,000 from \$550,000 to \$1,550,000.

This second amendment to the SWFWMD Agreement extends the contract expiration date to June 30, 2019.

APPROPRIATION CODE AND AMOUNT:

0315-96184-563700-539-000-0000 \$3,016,081.00

0327-96742-563800-533-000-0000 \$1,161,410.42

0327-96634-563800-535-000-0000 \$1,391,815.30

0315-96739-563800-533-000-0000 \$ 413,387.88

A midyear budget amendment will transfer \$300,000 from Capital Improvement Program (CIP) project 0315-96170, Coastal Basins, to 0315-96184, Magnolia Drive Outfall.

Sufficient funding is available in CIP projects in amounts of \$2,716,081 from 0315-96184, Magnolia Drive Outfall, and \$413,387.88 from 0315-96739, Reclaimed Water Distribution System; and Utility Renewal and Replacement projects in amounts of \$1,161,410.42 from 0327-96742, Line Relocation - Capital, and \$1,391,815.30 from 0327-96634, Sanitary Utility Relocation Accommodation, for total funding in the amount of \$5,982,694.60.

A concern was expressed that the contract does not contain language stating

the City has an opportunity for a change order for the brick streets.

The City Attorney said staff can submit a change order to take out the final asphaltting. Engineering Assistant Director Scott Rice said there is no specific language in the contract regarding the brick streets, however there is language that the city reserves the right to make modifications to the contract by change order. The City Attorney said change orders are permitted; there is not a specific change order proposed for brick streets because it is not known if the brick streets will be pursued. The historic grant for brick streets would effect the brick component, not this contract. Engineering Director Mike Quillen said the sooner the contract is awarded, the sooner the underground work can begin and lessens the delay to install the bricks streets, if approved.

Vice Mayor Polglaze moved to award a construction contract to Pospiech Contracting Inc., for construction of Magnolia Drive Outfall Improvements Project (12-0023-EN) in the amount of \$5,982,694.60, which is the lowest responsible bid received in accordance with plans and specifications and approve the second amendment to the Cooperative Funding Agreement (N445) with Southwest Florida Water Management District (SWFWMD) to extend the contract expiration date to June 30, 2019 and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

- 8.1** Approve the annexation, initial Future Land Use Map designations of Industrial Limited (IL) and Water/Drainage Feature and initial Zoning Atlas designation of Industrial, Research, and Technology (IRT) District for 2116 Palmetto Street; and pass Ordinances 8836-16, 8837-16, and 8838-16 on first reading. (ANX2016-01001)

This voluntary annexation petition involves one parcel of land totaling 4.926 acres. The parcel is occupied by a 2,880 square foot building currently used for storage and is located generally on the north side of Palmetto Street approximately 650 feet west of North Belcher Road. The property currently has a well for potable water. The applicant is requesting annexation in order to receive solid waste, water, and sanitary sewer service from the City when the site is redeveloped in the future. The closest sewer line is located east of the property in the Palmetto Street right-of-way, and potable water lines are located both east and west of the property in the Palmetto Street right-of-way. Due to the distance to these lines, potable water and sewer service is not readily available to the applicant's property. The applicant is aware of the additional costs to extend city sewer and potable water to this property. The property is located in an enclave and is contiguous to existing city limits along the west, south, and east. It is proposed that the property be assigned Future

Land Use Map designations of Industrial Limited (IL) and Water/Drainage Feature and the zoning category of Industrial, Research, and Technology (IRT).

The applicant currently has an active building permit through Pinellas County for the replacement of a roof on the current structure. To ensure consistency during Building Code inspections and to prevent any construction liability issues, the permit must be completed under Pinellas County Jurisdiction. The Planning and Development will schedule the second and final reading after the building permit is finalized, which is expected to be in May.

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- Collection of solid waste, water, and sanitary sewer service will be provided to the property by the City. The property is located within Police District III and service will be administered through the district headquarters located at 2851 McMullen Booth Road. Fire and emergency medical services will be provided to the property by Station 48 located at 1700 North Belcher Road. The City has adequate capacity to serve the property with sanitary sewer, solid waste, water, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

- The proposed Industrial Limited (IL) and Water/Drainage Feature Future Land Use Map categories are consistent with the current Countywide Plan designations of the property. The Industrial Limited (IL) designation primarily permits light industrial uses at an intensity of 0.65 FAR. The proposed zoning district to be assigned to the property is the Industrial, Research, and Technology (IRT). The use of the subject property is consistent with the uses allowed in the Industrial, Research, and Technology (IRT) District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation is contiguous to existing City

limits to the west, south, and east; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

Councilmember Hamilton moved to approve the annexation, initial Future Land Use Map designations of Industrial Limited (IL) and Water/Drainage Feature and initial Zoning Atlas designation of Industrial, Research, and Technology (IRT) District for 2116 Palmetto Street. The motion was duly seconded and carried unanimously.

Ordinance 8836-16 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8836-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8837-16 was presented and read by title only. Councilmember Caudell moved to pass Ordinance 8837-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8838-16 was presented and read by title only. Vice Mayor Polglaze moved to pass Ordinance 8838-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

- 8.2** Approve the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 3128 Johns Parkway; together with certain right-of-way of Johns Parkway; and pass Ordinances 8828-16, 8829-16 and 8830-16 on first reading. (ANX2015-10030)

This voluntary annexation petition involves a single parcel of land totaling 0.216 acres. The parcel is occupied by a single-family dwelling and is located on the north side of Johns Parkway, approximately 310 feet east of North McMullen Booth Road. The applicant is requesting annexation in order to receive sanitary sewer service from the City. The Development Review Committee is proposing that the 0.050 acres of abutting Johns Parkway right-of-way not currently within

the city limits also be annexed. The property is located within an enclave and is contiguous to existing city boundaries to the north, south and east. It is proposed that the property be assigned a Future Land Use Map designation of Residential Urban (RU) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed annexation is consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The property currently receives water service from the City. Collection of solid waste will be provided to the property by the City of Clearwater. The property is located within Police District III and service will be administered through the district headquarters located at 2851 North McMullen Booth Road. Fire and emergency medical services will be provided to the property by Station 49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve the property with sewer, solid waste, police, fire and EMS service. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Urban (RU) Future Land Use Map category is consistent with the current Countywide Plan designation of this property. This designation primarily permits residential uses at a density of 7.5 units per acre. The proposed zoning district to be assigned to the property is the Low Medium Density Residential (LMDR) District. The use of the subject property is consistent with the uses allowed in the District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation is contiguous to existing city limits to the north, south and east; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

Councilmember Hamilton moved to approve the annexation, initial Future Land Use Map designation of Residential Urban (RU) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 3128 Johns Parkway; together with certain right-of-way of Johns Parkway. The motion was duly seconded and carried unanimously.

Ordinance 8828-16 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8828-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8829-16 was presented and read by title only. Councilmember Caudell moved to pass Ordinance 8829-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8830-16 was presented and read by title only. Vice Mayor Polglaze moved to pass Ordinance 8830-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

- 8.3** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2823 St. John Drive; and pass Ordinances 8839-16, 8840-16 and 8841-16 on first reading. (ANX2016-01002)

This voluntary annexation petition involves a single parcel of land totaling 0.152 acres. The parcel is occupied by a single-family dwelling and is located on the south side of St. John Drive, approximately 100 feet north of SR 590. The applicant is requesting annexation in order to receive sanitary sewer service from the City. The property is located in an enclave and is contiguous to existing city limits to the north, east and west. It is proposed that the property be assigned a Future Land Use Map designation of Residential Low (RL) and a Zoning Atlas designation of Low Medium Density Residential (LMDR).

The Planning and Development Department determined that the proposed

annexation is consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The property currently receives water service from Pinellas County. Collection of solid waste will be provided to the property by the City of Clearwater. The property is located within Police District III and service will be administered through the district headquarters located at 2851 North McMullen Booth Road. Fire and emergency medical services will be provided to the property by Station 48 located at 1700 North Belcher Road. The City has adequate capacity to serve the property with sewer, solid waste, police, fire and EMS service. Water service will continue to be provided by the County. The proposed annexation will not have an adverse effect on public facilities and their levels of service; and
- The proposed annexation is consistent with and promotes the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Low (RL) Future Land Use Map category is consistent with the current Countywide Plan designation of this property. This designation primarily permits residential uses at a density of 5 units per acre. The proposed zoning district to be assigned to the property is the Low Medium Density Residential (LMDR) District. The use of the subject property is consistent with the uses allowed in the District and the property exceeds the District's minimum dimensional requirements. The proposed annexation is therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and
- The property proposed for annexation is contiguous to existing city limits to the north, east and west; therefore, the annexation is consistent with Florida Statutes Chapter 171.044.

Councilmember Hamilton moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for 2823 St. John Drive. The motion was duly seconded and carried unanimously.

Ordinance 8839-16 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8839-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8840-16 was presented and read by title only. Councilmember Caudell moved to pass Ordinance 8840-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8841-16 was presented and read by title only. Vice Mayor Polglaze moved to pass Ordinance 8841-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

- 8.4** Approve the annexation, initial Future Land Use Map designation of Residential Low (RL) for 2124 and 2125 Bell Cheer Drive and 2143 and 2147 Pleasant Parkway as well as Preservation (P) for 2143 and 2147 Pleasant Parkway and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for all four properties as well as Preservation (P) District for 2143 and 2147 Pleasant Parkway; together with certain Bell Cheer Drive right-of-way and all Pleasant Parkway right-of-way; and pass Ordinances 8842-16, 8843-16 and 8844-16 on first reading. (ANX2016-01003)

This voluntary annexation petition involves four parcels of land totaling 1.345 acres. All parcels are occupied by single family dwellings. The four lots are located generally east of South Hercules Avenue and west of South Belcher Road, north of Lakeview Road and south of Druid Road. The applicants are requesting annexation in order to receive solid waste service from the City and will connect to city sewer when it is available in the future, as part of the City's Belcher Area Sanitary Sewer System Extension Project. The Development Review Committee is proposing that the 2.457 acres of all Bell Cheer Drive right-of-way not currently within the city limits and all Pleasant Parkway right-of-way also be annexed.

Properties located at 2124 and 2125 Bell Cheer Drive and 2143 Pleasant Parkway are contiguous to existing city limits along at least one property boundary. The property located at 2147 Pleasant Parkway is not contiguous to existing city boundaries; however, it is in an enclave surrounded by city

property on all sides (Type A) and is eligible for annexation pursuant to the Interlocal Service Boundary Agreement with Pinellas County. It is proposed that 2124 and 2125 Bell Cheer Drive and 2143 and 2147 Pleasant Parkway be assigned the Future Land Use Map designation of Residential Low (RL) and 2143 and 2147 Pleasant Parkway also be assigned the Preservation (P) designation. The properties located at 2124 and 2125 Bell Cheer Drive and 2143 and 2147 Pleasant Parkway will be assigned the Low Medium Density Residential (LMDR) zoning category, while 2143 and 2147 Pleasant Parkway will also be assigned the Preservation (P) zoning category.

The Planning and Development Department determined that the proposed annexations are consistent with the provisions of Clearwater Community Development Code Section 4-604.E as follows:

- The properties currently receive water service from Pinellas County. Collection of solid waste will be provided to the properties by the City. The applicants will connect to the City's sanitary sewer service when it is available, and are aware of the sewer impact fee that must be paid in full in order to connect and the financial incentives available. The properties are located within Police District II and service will be administered through the district headquarters located at 2851 North McMullen Booth Road. Fire and emergency medical services will be provided to this property by Station 49 located at 565 Sky Harbor Drive. The City has adequate capacity to serve these properties with sanitary sewer, solid waste, police, fire and EMS service. Water service will continue to be provided by the County. The proposed annexations will not have an adverse effect on public facilities and their levels of service; and

- The proposed annexations are consistent with and promote the following objectives and policy of the Clearwater Comprehensive Plan:

Objective A.6.4 Due to the built-out character of the City of Clearwater, compact urban development within the urban service area shall be promoted through application of the

Clearwater Community Development Code.

Objective A.7.2 Diversify and expand the City's tax base through the annexation of a variety of land uses located within the Clearwater Planning Area.

Policy A.7.2.3 Continue to process voluntary annexations for single-family residential properties upon request.

- The proposed Residential Low (RL) Future Land Use Map category is consistent with the current Countywide Plan designation of these properties. The Residential Low (RL) designation primarily permits residential uses at a density of 5 units per acre. The Preservation (P) Future Land Use category on 2143 and 2147 Pleasant Parkway is consistent with the current Preservation (P) boundary which was placed

on the Countywide Plan Map to recognize the watershed and drainage features on the properties. The proposed zoning districts to be assigned to 2124 and 2125 Bell Cheer Drive and 2143 and 2147 Pleasant Parkway is the Low Medium Density Residential (LMDR), while 2143 and 2147 Pleasant Parkway will also be assigned the Preservation (P) District. The uses of the subject properties are consistent with the uses allowed in the Low Medium Density Residential (LMDR) District and the properties exceed the District's minimum dimensional requirements. The proposed annexations are therefore consistent with the Countywide Plan and the City's Comprehensive Plan and Community Development Code; and

- The properties proposed for annexation at 2124 and 2125 Bell Cheer Drive and 2143 Pleasant Parkway are contiguous to existing City limits along at least one property boundary; therefore, the annexations are consistent with Florida Statutes Chapter 171.044. The property proposed for annexation located at 2147 Pleasant Parkway is not contiguous to City boundaries but is located in a Type A Enclave; therefore, the annexation is consistent with the Interlocal Service Boundary Agreement authorized by Florida Statutes Chapter 171.204.

Councilmember Caudell moved to approve the annexation, initial Future Land Use Map designation of Residential Low (RL) for 2124 and 2125 Bell Cheer Drive and 2143 and 2147 Pleasant Parkway as well as Preservation (P) for 2143 and 2147 Pleasant Parkway and initial Zoning Atlas designation of Low Medium Density Residential (LMDR) District for all four properties as well as Preservation (P) District for 2143 and 2147 Pleasant Parkway; together with certain Bell Cheer Drive right-of-way and all Pleasant Parkway right-of-way. The motion was duly seconded and carried unanimously.

Ordinance 8842-16 was presented and read by title only. Vice Mayor Polglaze moved to pass Ordinance 8842-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8843-16 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 8843-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8844-16 was presented and read by title only.

Councilmember Jonson moved to pass Ordinance 8844-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 8882-16 on second reading, amending the Economic Development Ad Valorem Tax Exemption for Instrument Transformers, Inc.

Ordinance 8882-16 was presented and read by title only. Councilmember Caudell moved to adopt Ordinance 8882-16 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.2** Adopt Ordinance 8845-16 on second reading, amending Section 27.06 extending certificate of indebtedness to 20 years for special assessments.

Ordinance 8845-16 was presented and read by title only. Vice Mayor Polglaze moved to adopt Ordinance 8845-16 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

10. City Manager Reports

- 10.1** Amend the City's fiscal year 2015/16 Operating and Capital Improvement Budgets at first quarter and pass Ordinances 8883-16 and 8884-16 on first reading.

The fiscal year 2015/16 Operating and Capital Improvement Budgets were adopted in September 2015 by Ordinances 8767-15 and 8768-15. Section 2.521 of the City's Code of Ordinances requires the City Manager to prepare a quarterly report detailing income, expenditure estimates, collections, the explanation of significant variances, as well as the financial status of all capital improvement projects. Staff has provided a memorandum and report that provide this information and outline the issues at first quarter that require

amendment.

Councilmember Hamilton moved to amend the City's fiscal year 2015/16 Operating and Capital Improvement Budgets at first quarter. The motion was duly seconded and carried unanimously.

Ordinance 8883-16 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 8883-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

Ordinance 8884-16 was presented and read by title only. Councilmember Caudell moved to pass Ordinance 8884-16 on first reading. The motion was duly seconded and upon roll call, the vote was:

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

10.2 Reduce the regional stormwater buy-in fee from \$235,700 to \$0 for The Nolen, aka Prospect Park Apartments on Cleveland Street and Prospect Avenue, pursuant to criteria established under Resolution 99-43, Section 3 and adopt Resolution 16-08.

The City and Community Redevelopment Agency's (CRA) redevelopment strategy emphasizes the creation of a significant residential concentration in and around the downtown core to create the support for a retail and recreation destination environment in the Cleveland Street District. In addition, the City's Economic Development Strategic Plan calls for the growth/support of employment opportunities as part of the CRA's Technology District and its software/information technology industry cluster. The CRA views the development of the Cleveland Street and Prospect Lake Park site as a major opportunity to further these strategies by adding a mixed-use project that activates the street and creates living opportunities for the District's workforce. On June 10, 2014, the City joined the Agreement for Development and Purchase and Sale of Property between the Community Redevelopment Agency of the City of Clearwater and Prospect Park Development, LLC for the limited purposes of conveyance of property, granting of easements, etc. In summary, the mixed-use project consists of 257 market-rate rental dwelling units and up to 24,000 sq. ft. of allowable ground floor retail. Approximately 7 of these units will be Live/Work units fronting Cleveland Street, which will be

composed of a retail/office space and a residential component. The project will have 300 parking spaces and approximately 10,000 sq. ft. of accessory uses (exercise area, leasing office, and business center).

The project's real estate and financial closing occurred on October 30, 2014. The groundbreaking celebration was held on February 4, 2015 with construction commencing in March.

Defining the Issue

Since construction began, The Nolen, aka Prospect Park Apartments, has suffered some significant financial hardships due to soil conditions that were not anticipated as part of the project negotiation. The muck had become a huge challenge both to engineer a remedy that worked but also the months of delay it caused, adding to the overall development timeline and general conditions costs. The demucking process included overexcavating the building pads, importing fill, dewatering, and removing and replacing unsuitable materials. Because of the muck, foundation enhancements needed to occur with additional auger cast piles and grout. The costs incurred to ready the site for the foundation was significantly more than what was anticipated by both the Developer's and the city's geotechnical consultants.

The developer detailed \$529,104 in additional costs and is requesting a credit offset on impact fees to alleviate the financial pressure on the project. These additional costs do not include the additional length of time to build, and associated general conditions and other overhead as a result of delay. At this point, the project will not meet promised expectations which will cause a financial burden given the federal EB 5 loan funding which requires a minimum return on investment.

Staff Analysis

The Engineering Department has reviewed the geotechnical reports and the developer's request. The muck that was found on site was in excess of what was anticipated in the geotechnical reports reviewed by the city. Staff concurs that the site and soil conditions constitute an unforeseen condition in delivering a developable site to the developer that was not discussed as part of the original negotiations of the Development Agreement. These increased costs have created a burden on the project.

The City/CRA views The Nolen as a pioneering project for the downtown area whose success could encourage future projects, attract developers and improve the livability of the Cleveland Street District. As the first market-rate rental development in downtown, an untested market, The Nolen needs to be placed in the best possible position to succeed. According to the Developer Agreement, the additional risk and cost of construction is the responsibility of the Developer. However, this project has been a public private partnership

from inception and to protect the future success of the project, the City/CRA should consider sharing in the additional costs specifically related to the soil conditions found on site.

Staff Recommendation

Staff recommends the City/CRA share in approximately half the requested amount attributed to the soil conditions. To assist the project, staff recommends the City Council reduce the Stormwater Buy-in Fee of \$235,700 to \$0. Resolution 99-43, Section 3, allows projects larger than 1.5 acres, to reduce payment on a case-by-case basis, depending on project variables such as total capital investment, number of jobs, density of impervious area, etc. Bond counsel has reviewed the ability of the city to reduce this fee and has determined that the City Council can choose to waive stormwater impact fees with no impact on stormwater bond covenants.

The Nolen is anticipated to have a significant impact to the redevelopment of downtown. The capital investment in the Nolen is over \$34 million. The estimated completed project value of \$27,000,000 is estimated to generate \$309,000 in tax increment (City, County and Downtown Development Board) in the first full assessment year the project is operational (estimated to be 2017). According to the Economic Development and Housing department's economic impact modeling program, Total Impact by Impact Data Source, we have estimated 143 direct jobs and 102 indirect and induced jobs resulting from construction. In addition, there are significant resident and restaurant/retail impacts expected from taxable sales estimated at over \$60 million over 10 years.

Vice Mayor Polglaze moved to reduce the regional stormwater buy-in fee from \$235,700 to \$0 for The Nolen, aka Prospect Park Apartments on Cleveland Street and Prospect Avenue, pursuant to criteria established under Resolution 99-43, Section 3. The motion was duly seconded and carried unanimously.

Resolution 16-08 was presented and read by title only. Councilmember Hamilton moved to adopt Resolution 16-08. The motion was duly seconded and upon roll call, the vote was:

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

10.3 Ratify and confirm the purchase order to Duke Energy in the amount of \$107,149.59 for the temporary support of transmission utility poles during creek bank erosion mitigation efforts, and authorize the appropriate officials to execute same.

February 5, 2015, Council awarded a construction contract to Biomass Tech,

Inc. for the Byram Drive Channel Erosion Control Improvements. During construction efforts, the area was subject to a consistent period of inclement weather causing significant erosion of the creek bank. Duke Energy felt that due to the proximity of the construction to Duke Energy assets, it would be in the public's best interest to support the poles during the construction.

APPROPRIATION CODE AND AMOUNT:

0315-96124-563700-539-000-0000 \$107,149.59

Funds are available in capital improvement project 0315-96124, Storm Pipe System Improvements, to fund this contract.

Councilmember Jonson moved to ratify and confirm the purchase order to Duke Energy in the amount of \$107,149.59 for the temporary support of transmission utility poles during creek bank erosion mitigation efforts, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 10.4** Approve co-sponsorship and waiver of requested city fees and service charges for Fiscal Year 2016/17 special events including four annual city events; and twenty city co-sponsored events; at an estimated General Fund cost of \$472,010 (\$84,750 cash contributions and \$387,260 in-kind contributions) and Enterprise Fund cost and fee waiver of \$91,670 for the purposes of Fiscal Year 2016/17 departmental budget submittals.

According to City Council Policy, Item M, Special Event Fees, there shall be an annual review of City sponsored/co-sponsored events during the budget process. An agenda item approving co-sponsorship and level of support for these events will be brought before the City Council at the beginning of the budget process each fiscal year.

In the event additional money is requested beyond what is included in the approved budget, City Council approval will be needed.

Staff has provided the recommended level of cash and in-kind contributions to be included in the various departmental budgets for Fiscal Year (FY) 2016/17 for city sponsored and co-sponsored special events. A one-time cash contribution of \$75,000 was included for Jazz Holiday due to the Centennial Celebration. Adjusted for that one-time increase, this year's request represents a net increase of \$62,890.

Staff has also provided a list of 30 additional special events requiring some type of in-kind support from the Parks and Recreation Special Events Division during FY 2016/17.

The new requests and events added for FY 2016/17 are as follows:

- Jazz Holiday - They have requested an increase of \$60,450 in cash contribution in order to improve their talent offerings to the public for this signature city event. (\$60,450)
- Pier 60 Sugar Sand Festival - This event has been a part of the Fun N Sun events for the past 2 years but it has been extremely successful and needs to be broken out as a separate event. (\$23,100)
- International Sports Tournaments - The City has been successful at attracting International sports tournaments to Clearwater as part of the strategic direction of the council to promote sports tourism and a new event is being proposed to support this effort. (\$25,000)
- International Sailing Events - The City was very successful hosting an international sailing event in FY 2015/16 and the international sailing community is interested in continuing a relationship with Clearwater to promote additional events in FY 2016/17. (\$6,620)
- North Greenwood Fall & Summer Festival - Police has provided support for these events in the past however it does require overtime and thus being added as a co-sponsored event. (\$1,200)

In response to questions, Parks and Recreation Director Kevin Dunbar said before Sea Blues an Evening with Bryan Adams was held. The Bryan Adams event was a new concept that attracted 4,000 to 6,000 people to Coachman Park; the event successfully covered all costs and provided some revenue. Staff is exploring opportunities to continue to expand the special events programming in Spring and Fall. Jazz Holiday wishes to upgrade the entertainment so that each of the four nights is successful. Mr. Dunbar said the entertainment lineup in the past was stronger on some nights than others. The City provided a cash contribution to the Florida Orchestra for a concert. The cost of entertainers has increased over time.

It was stated that the additional cash contribution for the Jazz Holiday last year was due to the Centennial event programming; it was suggested that the special events be enhanced by adding an additional event in Coachman Park rather than enhancing an already successful event.

Discussion ensued with support expressed for assisting the Jazz Holiday.

The City Manager said the sponsorships have been increasing during the last three years. Staff is optimistic that Jazz Holiday will be able to push this event to the next level. He said staff is sensitive to adding new events and how the opportunity to expand events in Coachman Park

that are not necessarily built around large concert events.

Councilmember Caudell moved to approve co-sponsorship and waiver of requested city fees and service charges for Fiscal Year 2016/17 special events including four annual city events; and twenty city co-sponsored events; at an estimated General Fund cost of \$472,010 (\$84,750 cash contributions and \$387,260 in-kind contributions) and Enterprise Fund cost and fee waiver of \$91,670 for the purposes of Fiscal Year 2016/17 departmental budget submittals. The motion was duly seconded and upon the vote being taken:

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

Nays: 1 - Councilmember Jonson
Motion carried.

10.5Brick Streets - Harbor Oaks Subdivision

On March 15, 2016 a single bid from Steve's Excavating was received for the installation of brick surfacing instead of asphalt in the Harbor Oaks Subdivision. Although five contractors obtained bid packages and four attended the mandatory pre-bid, only one contractor submitted a bid.

The total bid for the brick surfacing from Steve's Excavating was \$2,705,981.25. Deducting items not strictly related to the brick installation (Remove Existing Roadway, Remove and Replace Curb, Road Base and Concrete Driveway Restoration), the total cost is reduced to \$2,577,156.25.

Per the Brick Street Policy approved by City Council on September 3, 2015, the cost to the neighborhood for the bricking would be reduced by "the cost for the installation of a two inch thick asphalt surface". The project for the Harbor Oaks neighborhood is split into two portions, the Jeffords Outfall portion in the southwest awarded to Keystone Excavating and the Magnolia Outfall portion comprising the remainder of the neighborhood awarded to Pospiech Contracting. The proposal from Keystone Excavating for the Jeffords Outfall portion included \$75,000 for two inches of asphalt. The bid from Pospiech Contracting for the Magnolia Outfall portion of the project includes \$276,900 for two inches of asphalt. Combining the two bids yields a total of \$351,900 to be deducted from the bid for brick.

After the deduction for asphalt, the net cost for brick installation is \$2,225,256.25. Over the 201,546 square feet of roadway to be surfaced during the project, this yields a net unit cost of \$11.04 per square foot. This actual bid price is 24.75% greater than the \$8.85 per square foot preliminary estimate provided to the neighborhood. In accordance with the Brick Street Policy, since "the actual bid price is greater than 10% more than the preliminary estimate, the City will conduct a

second petition process to confirm that there is still a 65% approval to start the assessment process”.

In response to questions, Engineering Director Mike Quillen said the name of the other bidders are Steve's Excavating, Keystone Excavators, Associated Construction Products, and Quality Brick Pavers. Staff has drafted a new petition letter for the City Attorney's review. The proposed bid is valid for ninety days; the contract does not need to be awarded until the first council meeting in June. The City Manager said staff is following the process directed by Council.

Discussion ensued with comments made that the South Ward Elementary was recently appropriated state funding for improvements. Support was expressed to delay the second petition in order to rebid the project. It was stated that the policy has been set to revote if the bid comes in more than 10% .

Councilmember Caudell moved to rebid the brick streets contract. The motion failed for lack of a second.

The City Attorney said if the City receives a grant for the bricks; the grant funding would be applied to the project.

In response to a question, the City Manager said staff will proceed with the policy and conduct a revote.

10.6 Bluff Master Plan Developer Consultant

The ULI Advisory Services Panel Report (June 2014) recommended the development of a Bluff/Coachman Park/Waterfront Master Development Plan that focuses on generating private investment along the Bluff, and integrating Coachman Park and the waterfront to the downtown core in order to achieve the redevelopment of downtown. The ULI report emphasized engaging a developer at the outset to be intimately involved in the process to ensure economic feasibility and market reality in the Master Plan process. At the June 15, 2015 CRA meeting, the Board discussed the ULI recommendations as well as alternative formats to achieve the developer/economic feasibility component without hiring a “Developer Partner” at the outset. The CRA Board directed staff to further define the proposed “hybrid” approach recommended in the staff presentation. At its meeting on July 13, 2015, the CRA approved the project template/ work program for the Bluff/Coachman Park Master Plan and directed staff to prepare the requests for proposals. Staff recommended a hybrid, or two-pronged approach, to select: 1) a Master Plan Consulting Team to conduct the public engagement plan, market study, concepts/designs for the

park, waterfront, parking, circulation, etc. and an implementation strategy; and 2) a Developer Consultant to work alongside the Master Plan Consultant Team to ensure the commercial development proposed in the Master Plan is economically feasible and viable. The CRA authorized the release of the Request for Proposals (RFP) for the Bluff/Coachman Park Master Plan at the November 2, 2015 meeting.

In January 2016, 8 proposals were received and 6 consulting teams were short-listed for presentations in February. The top-ranked consultant team is headed by HR&A, an industry leading real estate and economic development advisory firm that specializes in managing multi-disciplinary teams to craft market-supportable master plans that transform communities. The other members of the consulting team are Sasaki (open space and urban design), Kimley-Horn (parking and circulation planning), and B2 Communications (Public Engagement). The team has extensive experience in creating vibrant, accessible waterfront destinations through high-quality design, placemaking and active programming and engaging stakeholders and the public in building consensus.

HR&A's approach is to develop an informed, collaborative vision to support the development of a targeted investment strategy and implementation strategy for the Bluff/Coachman Park/Waterfront. Their proposal describes establishing a targeted investment strategy that builds upon strengths and recognizes evolving market conditions. Specifically, their investment strategy includes generating market excitement, spurring private investment and identifying public/private partnership potential. In addition, the scope includes a clear and actionable implementation framework that includes key investments, identifies responsible parties and strategic partnerships, project phasing and a funding approach. As part of the Framework Plan development, tasks include intervention (project) options and scenarios and cost projections for each.

While the selection process for the Master Plan Consultant Team was underway, the Economic Development and Housing Department was preparing the scope of work for the Developer Consultant portion of the Master Plan. The proposed HR&A scope meets the goals, objectives, and tasks that are envisioned for the Developer Consultant portion of the Master Plan. HR&A has the experience and qualifications to meet the real estate/market viability and financial feasibility components of the Master Plan that have been discussed with the CRA Board.

Staff believes that the HR&A proposed scope of work meet the goals and objectives of the hybrid approach discussed with the CRA in July. Staff recommends selecting the HR&A team as the Master Plan Consultant and not selecting a separate Developer Consultant to complete the Bluff/Coachman Park/Waterfront Master Plan. By selecting this team, the Master Plan process will be more streamlined in terms of staff management and resources as well

as more cost-effective.

Economic Development and Housing Director Geri Campos Lopez said staff recommends moving forward with the RFP and not proceeding with the developer/consultant RFP.

Councilmember Caudell moved to approve staff's recommendation. The motion was duly seconded and carried unanimously.

11. City Attorney Reports – None.

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

Councilmember Jonson questioned the payback period for the brick streets. The City Attorney said Council will ultimately make that decision. Council is not making a decision on the payback period tonight.

Councilmember Jonson said he enjoyed the bike presentations and looked forward to future discussions. It is great to be a bike friendly city as it ties-in with the City's strategic planning goals. He encouraged all to use the Clearwater Ferry and visit www.scenicclearwater.org to see a video celebrating the removal of billboard clutter.

Vice Mayor Polglaze thanked his spouse for her support during his time on council.

13. Closing Comments by Mayor

14. Adjourn

The meeting adjourned at 8:08 p.m.

Attest

Mayor
City of Clearwater

City Clerk

Draft