

City of Clearwater

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



Meeting Minutes

Monday, March 18, 2024

1:30 PM

Main Library - Council Chambers

City Council

Roll Call

Present: 4 - Vice Mayor Mark Bunker, Councilmember David Allbritton,
Councilmember Kathleen Beckman and Councilmember Lina Teixeira

Absent: 1 - Mayor Brian Aungst Sr.

Also Present: Jennifer Poirrier – City Manager, Michael Delk – Assistant City Manager, Daniel Slaughter – Assistant City Manager, David Margolis – City Attorney, Rosemarie Call – City Clerk and Nicole Sprague – Deputy City Clerk.

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

Unapproved

1. Call to Order – Vice Mayor Bunker

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

2. Invocation**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** Americans for the Arts Arts and Economic Prosperity 6 Social Impact Study Findings for the city of Clearwater and Pinellas County - Randy Cohen, Vice President of Research at Americans for the Arts.

Every five years the national arts non-profit Americans for the Arts conducts a nation-wide study to identify the impacts arts and cultural programming has on local and state economies. This 2022/2023 study collected data from 373 regions across all 50 states and Puerto Rico. These regions ranged in population from 4,000-4 million and represented rural, suburban, and large urban communities. Within Pinellas County, surveys were collected from the cities of Clearwater, St. Petersburg, Tarpon Springs, Largo and Safety Harbor.

Mr. Cohen provided a PowerPoint presentation.

- 4.2** Marine Advisory Board Presentation - Michael Grohman, Marine Advisory Board Chair

Chair Grohman reviewed the Board's activities and accomplishments for the past year. He said individuals have expressed concerns to the Board regarding wakeboarding in the Mandalay Channel. Wakeboarding in the channel has become extremely popular, creating safety concerns for docked vessels. He requested consideration to disallow wakeboarding in the channel.

The City Attorney said he would work with staff to determine what can be done. The State preempts waterway regulation, even those bodies of water within the City's jurisdiction.

5. Approval of Minutes

- 5.1** Approve the minutes of the March 7, 2024 City Council Meeting as submitted in written summation by the City Clerk.

Councilmember Beckman moved to Approve the minutes of the March 7, 2024 City Council Meeting as submitted in written summation by the City Clerk. The motion was duly seconded and carried unanimously.

Public Hearings - Not before 6:00 PM

6. Administrative Public Hearings

- 6.1** Amend the City's fiscal year 2023/24 operating and capital improvement budgets at first quarter and pass Ordinances 9755-24 and 9756-24 on first reading.

The fiscal year 2023/24 operating and capital improvement budgets were adopted in October 2023 by ordinances 9714-23 and 9715-23. 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.

STRATEGIC PRIORITY:

The budgeting process aligns resource allocation to the advancement of our community in all five strategic priorities: high performing government, economic and housing opportunity, community well-being, environmental stewardship, and superior public service.

In response to questions, the City Attorney said the \$300,000 Opioid settlement funds the City received are different than the ones that the

County received. He said there are other cases outstanding and the City may receive additional revenues. Budget Director Kayleen Kastel said the funds have been set aside in a special program fund to be spent based on the restrictions of the funds. The City Attorney said Council has discretion on how the funds will be used but should rationally be related to the purpose the funds were obtained.

Councilmember Teixeira departed Chambers at 2:04 p.m. and returned at 2:07 p.m.

Ordinances 9755-24 and 9756-24 were presented and read by title only.

Councilmember Teixeira moved to amend the City's fiscal year 2023/24 operating and capital improvement budgets at first quarter and pass Ordinances 9755-24 and 9756-24 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Vice Mayor Bunker, Councilmember Allbritton, Councilmember Beckman and Councilmember Teixeira

- 6.2** Authorize a purchase order to Frontier, Inc. for internet service provision in an amount not to exceed \$412,638.00 for the period March 1, 2024 through February 28, 2027, pursuant to Clearwater Code of Ordinances Section 2.563(1)(d), Non-Competitive Purchase, and authorize the appropriate officials to execute same. (consent)

Frontier is the sole RBOC (Regional Bell Operating Company) in Pinellas County and is a Certified Ethernet and Managed Solutions provider. Frontier Communications will be providing internet and communication services for the City's data network. Frontier will be the fourth internet services provider (ISP) to the City's wide-area network (other providers: Spectrum, Crown Castle, CenturyLink/Lumen). Using all providers is necessary to provide diversification and redundancy for these services. Additional competition cannot be obtained. For these reasons, this purchase with Frontier is non-competitive.

On October 6, 2022, Council authorized a contract with Frontier for managed wireless LAN services under agreement S0000317856. Since this award, demand has changed therefore it no longer fits the needs of the city.

A new service schedule S0000365362, replacing our existing service schedule, has been provided by Frontier which increases the capacity and will also provide diversification and redundancy of internet service for support of operations. Services will be connected to the City's network at three diverse locations to increase resiliency of service in the event that service is interrupted at any single location.

Services will be billed monthly for the term of service and governed by Service Level Agreement (SLA) at 99.99% availability and a 4-hour Mean-Time-To-Repair (MTTR) in the event of service interruption.

APPROPRIATION CODE AND AMOUNT:

Funds are available in the Information Technology operating budget, in cost code 5559862-530300.

STRATEGIC PRIORITY:

These purchases help accomplish strategic objectives 1.2, 1.3, and 1.4. The Information Technology Department maintains critical public infrastructure to deliver sustain a high level of service to support a safe and healthy community.

One individual spoke in opposition.

In response to a comment, IT Director Dan Mayer said the City receives over one million emails. Most of the systems are hosted in the cloud and no longer offering licenses.

Councilmember Allbritton moved to authorize a purchase order to Frontier, Inc. for internet service provision in an amount not to exceed \$412,638.00 for the period March 1, 2024 through February 28, 2027, pursuant to Clearwater Code of Ordinances Section 2.563(1)(d), Non-Competitive Purchase, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 6.3** Award a purchase order to Hose and Hydraulics, Inc. of Clearwater, FL, for hydraulic maintenance, repair, and parts in the annual not-to-exceed amount of \$425,000.00 for one year with two, one-year renewal options pursuant to Invitation to Bid (ITB) No. 13-24 and authorize the appropriate officials to execute same. (consent)

Invitation to Bid (ITB) No. 13-24, Hydraulic Maintenance & Repair, Parts, and Other Miscellaneous Services, was issued in December 2023, and the City received two responsive responses on January 30, 2024. This award will cover city vehicles and equipment on an as needed basis for Fleet Maintenance, Public Utilities, Solid Waste and Marine & Aviation. The pricing structure was based on an hourly rate for both normal and emergency hours and included a percentage for parts.

Authorization is requested to award ITB No. 13-24 to Hose & Hydraulics, Inc., the lowest most responsible bidder in accordance with the specifications, for a one year term with two, one-year renewal options.

APPROPRIATION CODE AND AMOUNT:

Budgeted funds are available in cost center 5666611-546500 (Garage Equip Repairs):

- FY24 \$425,000.00
- Future fiscal year budgets will include requests for funding.

STRATEGIC PRIORITY:

1.2 Maintain public infrastructure, mobility systems, natural lands, environmental resources, and historic features through systematic management efforts.

In response to a question, Fleet Manager Perry Conzen said the purchase order is for the repair of hydraulic issues, hoses, pumps, and cylinders on city equipment. The contract was expanded to include other city departments, which increased the cost. He said the vendor will repair equipment in the field.

Councilmember Beckman moved to award a purchase order to Hose and Hydraulics, Inc. of Clearwater, FL, for hydraulic maintenance, repair, and parts in the annual not-to-exceed amount of \$425,000.00 for one year with two, one-year renewal options pursuant to Invitation to Bid (ITB) No. 13-24 and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 6.4** Authorize a Purchase Order to Alfred Benesch and Company (Benesch) of Tampa, Florida in the amount of \$255,978.00 to prepare amendments to the city's Community Development Code implementing recommendations from the North Greenwood Community Redevelopment Area (CRA) Plan, per Code of Ordinance 2.563(1)(c) Piggyback and authorize the appropriate officials to execute same.

In January of 2023, City Council approved the North Greenwood CRA Plan followed by Pinellas County approval in May of 2023. Included in this plan are recommendations to encourage redevelopment and infill development and provide a variety of housing opportunities while working to prevent displacement.

Prior to the final approval of the CRA Plan, the city was awarded a grant from

Forward Pinellas to conduct a design charrette for the North Martin Luther King Jr. Avenue corridor within the North Greenwood community. This design charrette allowed staff to continue to build on work the CRA Plan started with a focus on the historic center of the community and what can be done to revitalize this historically important area. The charrette resulted in recommendations to create form-based code regulations in the city's Community Development Code (CDC) specific to the North Martin Luther King Jr. Avenue corridor.

As detailed in the attached scope of work, Benesch will build on past efforts to initiate amendments to the CDC to implement the recommendations from the CRA Plan and the design charrette. City staff will work alongside Benesch and their team of subconsultants to amend the CDC to provide opportunities for incremental, small-scale redevelopment and infill development that will allow residents and business owners to build generational wealth within the neighborhood.

Community engagement will be integrated throughout the process including a listening session and cultural mapping workshop. Additionally, a special team has been assembled to conduct an interactive workshop to refine the community's vision and visualize what could be built with changes to the CDC regulations for this neighborhood. This project is anticipated to take 11 months inclusive of the city's adoption process.

In 2023, Forward Pinellas, acting as the Pinellas Planning Council and Pinellas County Metropolitan Planning Organization, approved nine firms to provide professional planning support services including Alfred Benesch & Company. Code of Ordinances Sec. 2.563 (1)(c) allows for direct contracting with consultants utilizing contracts previously awarded by other governmental entities.

APPROPRIATION CODE AND AMOUNT:

Funding for this contract has been included in the fiscal year 2023/24 budget in special program M2101, Planning Study Fund.

STRATEGIC PRIORITY:

Amending the Community Development Code to provide regulations to meet the unique conditions of the North Greenwood neighborhood supports Strategic Plan Objectives 3.2 and 3.4.

Councilmember Teixeira moved to authorize a Purchase Order to Alfred Benesch and Company (Benesch) of Tampa, Florida in the amount of \$255,978.00 to prepare amendments to the city's Community Development Code implementing recommendations from the North Greenwood Community Redevelopment Area (CRA) Plan, per Code of Ordinance 2.563(1)(c) Piggyback and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 6.5** Approve the purchase of excess Property insurance, including Bridges, Boiler and Machinery, and Terrorism coverages, from April 1, 2024 through April 1, 2025, at the level of insurance provided for in this agenda item, in a not-to-exceed amount of \$6,020,000, and authorize the appropriate officials to execute same.

Risk Management requested Arthur J. Gallagher and Co. to obtain quotes for the property insurance program expiring April 1, 2024. After a review of quotes received, staff request the renewal of property coverage with a layer of coverage limits provided by various carriers.

The current property coverage with Berkshire Hathaway and additional sub-carriers expires on April 1, 2024. This renewal will continue to maintain our Named Windstorm coverage at \$50 million, and flood insurance at \$50 million on an aggregate basis. The self-insured retention (SIR) will remain at 5% for named storms subject to \$100,000 minimum per occurrence, and no maximum deductible. The annual renewal will continue to be subject to a loss ratio provision of 100% for Named Windstorm and 40% for all other perils. The renewal premium for property is \$5,663,000 reflecting an 18.7% premium increase over last year.

The renewal for Boiler and Machinery Coverage will remain at \$200 million limit with \$25,000 deductible (reduced from \$50,000) at a premium of \$98,000 reflecting a 25.6% premium increase.

The City's bridge program is a stand-alone policy and includes the Sand Key Bridge, the Mandalay Channel pedestrian bridge and the McMullen Booth pedestrian overpass. This renewal is a 50/50 shared capacity between Zurich and Chubb to maintain the \$50 million Named Windstorm and Flood policy limits. The renewal bridge policy has a deductible of \$100,000 per occurrence for all other perils and earthquakes for the Mandalay Channel and McMullen Booth bridges, and \$1 million for the Sand Key bridge. The Self-Insured Retention (SIR) for Flood and Named Windstorm is 5% of the total covered value of a loss, subject to a \$500,000 minimum deductible. The annual aggregate limit for the perils of Earthquake/Flood/Named Storm is \$50 million each and for All Other Perils it is \$82,938,010 million. The Bridge program renewal premium is \$193,000 reflecting a 0.7% premium increase.

This renewal maintains our current coverage for Terrorism - Property & Liability coverage limits at \$25 million for property damage and \$10 million for liability for a premium of \$32,900 reflecting a 17.8% premium increase.

The City also purchases a separate policy which provides Nuclear, Biological, Chemical & Radioactive Terrorism coverage with limits of \$3 million, for a premium of \$32,500 reflecting a 7.9% premium increase.

Total premiums for these renewals are estimated to be \$6,020,000. This represents an 18.04% increase over the previous year amount of \$5,100,000.

Risk Management agrees that these recommended coverages will continue to cover the City's property risks at levels and rates which represent a reasonable insurance program for the City.

APPROPRIATION CODE AND AMOUNT:

5907590-545100 \$6,020,000

STRATEGIC PRIORITY:

This property insurance renewal supports the following objective:

1.2 Maintain public infrastructure, mobility systems, natural lands, environmental resources, and historic features through systematic management efforts.

Councilmember Allbritton moved to approve the purchase of excess Property insurance, including Bridges, Boiler and Machinery, and Terrorism coverages, from April 1, 2024 through April 1, 2025, at the level of insurance provided for in this agenda item, in a not-to-exceed amount of \$6,020,000, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

6.6 Ratify and confirm a payment to ServPro of Largo in the amount of \$136,552.32 for preventative repairs and maintenance on the sprinkler system at the Main Library.

Following the rupture of a fire sprinkler line at the Main Library in September 2023, ServPro of Largo was called in to mitigate and repair the damages. They worked closely with the insurance carriers and their assigned adjuster, as well as the contractors performing the work. While onsite, Cintas performed additional fire sprinkler repairs and related assessment of the remaining fire sprinkler lines. While necessary to prevent a future occurrence, this work is not covered by the insurance claim as it is considered preventative repairs and maintenance, and the City is responsible for payment of the invoice. Since the work has been completed and ServPro has advanced payment to the contractors, a ratify and confirm is necessary to reimburse ServPro as this will not be covered by insurance proceeds.

APPROPRIATION CODE AND AMOUNT:

Funds are available in General Services project GSBM180008-R&M-PROSVC.

STRATEGIC PRIORITY:

1.2 Maintain public infrastructure, mobility systems, natural lands, environmental resources, and historic features through systematic management efforts.

In response to questions, Risk Manager Todd Morrone said the approximate cost thus far is \$6.2 million; staff will come back after the project is wrapped up in April. The City's out-of-pocket cost was \$100,000. He said most of the 4th floor ceiling is dry wall and one cannot see the pipes during maintenance inspection.

One individual expressed concern that there was no shutoff capability or an alarm system to advise of the pipe break.

In response to a comment, Mr. Marrone said the Main Library is an enclosed climate-controlled system. The connector of the sprinkler broke and the water ran for approximately 10 minutes on the 4th floor and the water went downhill. Clearwater Fire responded within 10 minutes.

Councilmember Beckman moved to ratify and confirm a payment to ServPro of Largo in the amount of \$136,552.32 for preventative repairs and maintenance on the sprinkler system at the Main Library. The motion was duly seconded and carried unanimously.

- 6.7** Approve a Locally Funded Agreement (LFA) between the State of Florida, Department of Transportation (FDOT), and the City of Clearwater to fund \$750,000 for the construction of the SR 60 (Gulf to Bay Boulevard/Courtney Campbell Causeway) Pedestrian Overpass from Courtney Campbell Trail to Bayshore Trail and approve a Maintenance Memorandum of Agreement (MOA) for the maintenance of the aesthetic features of the SR 60 (Gulf to Bay Boulevard/Courtney Campbell Causeway) Pedestrian Overpass (Bridge) from Courtney Campbell Trail to Bayshore Trail and that the appropriate officials be authorized to execute same. (consent)

Trails are an essential part of the City of Clearwater's multi-modal transportation and recreation network.

In 2004, the City identified both the Courtney Campbell Causeway Trail and the Ream Wilson Clearwater Trail, Bayshore segment, as trails needed in the bicycle and pedestrian master plan. Subsequently both trails have been included in the Pinellas County long range transportation plan and have been funded and completed.

The Courtney Campbell Causeway Trail currently terminates on the south side of SR 60 (Gulf-to-Bay Blvd.) connecting to the Ream Wilson Clearwater Trail, Bayshore segment, on the north side utilizing a signalized pedestrian

crosswalk. The current configuration slows down motor vehicle traffic on SR 60 (Gulf to Bay Boulevard). FDOT proposed an overpass project to provide a safer alternative to the current at grade crossing for the trail users as well as enhance the traffic flow of motor vehicles on SR 60 (Gulf to Bay Boulevard).

On June 16, 2016, the Council approved supporting the SUN Trail funding to construct the Courtney Campbell Causeway Trail Overpass Bridge, authorized the City Manager to commit to the transfer of necessary city right-of-way/property for the project, and authorized the City Manager to execute a Memorandum of Understanding for maintenance of the overpass upon completion.

The City desired to enhance the project by providing \$1,000,000 for the bridge aesthetics. In February 2022, the Council approved \$250,000 through a funding agreement as the first request from FDOT for aesthetic design purposes only. The remaining commitment of \$750,000 is now requested as a separate funding agreement for the construction portion of the aesthetic improvements for the project as FDOT plans to begin construction in August 2024 and be completed on or about January 2026.

The MOA requires that the City maintain the aesthetic features of the Pedestrian Bridge Project, as depicted in the construction plans and specifications of F.P.I.D. # 437498-1-52-02 attached as Exhibit "A" to the MOA, in perpetuity, according to the FDOT standards, which include, but are not limited to, the Americans with Disabilities Act, Design Standards, and the Standard Specifications.

The City agrees to provide routine maintenance of the Bridge including, but not limited to, fencing- wire mesh, expanded metal and pre-formed metal in direct support of the signage, and associated LED lighting, removal of graffiti, handrail-guardrail, bike racks, benches, trash receptacles and any other aesthetic features and components of the Pedestrian Bridge. The City shall sweep and remove litter within the Project limits which is denoted in the Construction Plans. The City shall also pay utility bills for lighting as associated with Bridge as well as conduct routine inspection of the Bridge to ensure that all safety deficiencies are addressed.

FDOT agrees to inspect and repair structural damage to the entire bridge structure over SR 60 (Courtney Campbell Causeway) within the Bridge Project located within the Departments right of way according to the FDOT Standards

Since, the City currently maintains the trail and landscaping along the Courtney Campbell Causeway as well as the Bayshore Trail, additional personnel will not be needed to maintain the bridge. Other than an increase in utilities and light maintenance of approximately \$4,800 per year, there will be no other annual financial impacts to this MOA. If and when major repairs are needed to the aesthetic structure a separate Capital Improvement Project will be requested.

APPROPRIATION CODE AND AMOUNT:

Funds are available in CIP 315-93272 "Bicycle Paths & Bridges."

STRATEGIC PRIORITY:

Entering into this LFA with FDOT for construction of the SR 60 (Gulf to Bay Boulevard/Courtney Campbell Causeway) Pedestrian Overpass from Courtney Campbell Trail to Bayshore Trail aligns with the following City of Clearwater Strategic Plan Objectives:

- 1.2: Maintain public infrastructure, mobility systems, natural lands, environmental resources, and historic features through systematic management efforts.
- 1.4: Foster safe and healthy communities in Clearwater through first-class public safety and emergency response services.
- 2.3: Promote Clearwater as a premier destination for entertainment, cultural experiences, tourism, and national sporting events.
- 3.2: Preserve community livability through responsible development standards, proactive code compliance, and targeted revitalization; and
- 4.4: Develop accessible and active transportation networks that enhance pedestrian safety and reduce citywide greenhouse gas emissions.

In response to a question, Parks and Recreation Director Art Kader said there are two ADA access ramps, one in each direction, and one across from the Bayshore Trail.

Councilmember Teixeira moved to approve a Locally Funded Agreement (LFA) between the State of Florida, Department of Transportation (FDOT), and the City of Clearwater to fund \$750,000 for the construction of the SR 60 (Gulf to Bay Boulevard/Courtney Campbell Causeway) Pedestrian Overpass from Courtney Campbell Trail to Bayshore Trail and approve a Maintenance Memorandum of Agreement (MOA) for the maintenance of the aesthetic features of the SR 60 (Gulf to Bay Boulevard/Courtney Campbell Causeway) Pedestrian Overpass (Bridge) from Courtney Campbell Trail to Bayshore Trail and that the appropriate officials be authorized to execute same. The motion was duly seconded and carried unanimously.

- 6.8** Authorize an increase and an extension to purchase order with The Goodyear Tire and Rubber Co. dba Goodyear Commercial Tire and Service Center and Monroe, Inc. for the purchase of Goodyear tire products and services for city motorized equipment in a cumulative not-to-exceed amount of \$200,000.00 bringing the total amount to \$870,000.00 and extend through June 30, 2024 pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c), Piggyback or Cooperative Purchasing, and authorize the appropriate officials to execute same.

On April 18, 2019, Council approved a purchase order to Goodyear Commercial Tire and Service and Monroe, Inc. for the purchase of Goodyear tire products and services for city motorized equipment through March 31, 2024, piggyback off the State of Florida Contract No. 25172500-19-ACS.

This State of Florida Contract was originally competitively bid through the National Association of State Procurement Officials (NASPO) Contract No. 19101 with the Iowa Department of Administrative Services. The Iowa Department of Administrative Services has extended Contract No. 19101 through June 30, 2024. The State of Florida also expects to extend Contract 25172500-19-ACS through June 30, 2024.

Due to the extensive products and services on Contract 25172500-19-ACS, Goodyear has provided a list of their approved authorized dealers in which Monroe, Inc. is listed.

General Services is requesting authorization to increase our current purchase order by \$200,000.00 for a new total of \$870,000.00 and extend through June 30, 2024, which is the expiration date of the NASPO Contract with Iowa Department of Administrative Services.

APPROPRIATION CODE AND AMOUNT:

5666611-550700 (Tires) \$180,000.00

5666611-546500 (Repairs & Services) \$20,000.00

These purchases help accomplish strategic objective 1.2. Fleet division operators maintain public infrastructure to deliver effective and efficient services by optimizing City assets and resources.

In response to a question, Fleet Manager Perry Conzen said the additional funds are needed to cover the extension period.

One individual spoke in opposition.

Assistant City Manager Dan Slaughter said the contract was issued in 2019 and will expire at the end of March. The contracts will cover vehicles in the City's fleet, which includes dump trucks and fire trucks.

Councilmember Allbritton moved to authorize an increase and an extension to purchase order with The Goodyear Tire and Rubber Co. dba Goodyear Commercial Tire and Service Center and Monroe, Inc. for the purchase of Goodyear tire products and services for city motorized equipment in a cumulative not-to-exceed amount of \$200,000.00 bringing the total amount to \$870,000.00 and extend through June 30, 2024 pursuant to Clearwater Code of Ordinances Section 2.563 (1)(c), Piggyback or Cooperative Purchasing, and

authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 6.9** Award Invitation to Bid 03-24, Surplus of Clearwater Gas System Propane Customer and Assets, approve an Assets Purchase Agreement with Suburban Propane, L.P. of Whippany, New Jersey, in the amount of \$4,250,000, and authorize the appropriate officials to execute same.

Clearwater Gas System (CGS) has operated a Propane business for over 30 years, separate from our natural gas distribution utility. CGS serves approximately 2,000 residential and commercial propane customers, with annual sales of approximately 430,000 gallons.

Over the past several years the propane business has not grown its customer base and has consistently stayed around 2,000 customers. In addition, propane as a stand-alone business has not returned a profit. As a result, CGS Management asked Council for approval to move forward with a potential sale of the propane system at the February 16, 2023 council meeting.

CGS then hired a third party consultant to determine the total value of the propane system. The business valuation came in at \$2.4 million. Subsequently, city procurement issued invitation to Bid #03-24, for the sale of the propane system. Bids were received in November 2023 and Suburban Propane came in as the highest most responsive bidder at a total sale price of \$4.25 million, which is \$1.85 million higher than the valuation price.

The Assets Purchase Agreement (APA) sets a "Closing Date" to occur no later than April 12, 2024. This closing date serves as the official day Suburban Propane takes ownership of CGS's propane customers, equipment and all assets listed in Schedule A of the APA.

APPROPRIATION CODE AND AMOUNT:

Funds will be deposited into Account 423-364412 (Surplus Machinery and Equipment)

STRATEGIC PRIORITY:

High Performing Government (1.5) - Selling off Propane business results in more focus on our natural gas distribution operations and increased profitability of the utility with the opportunity to lower gas rates to customers.

Environmental Stewardship (4.1) - The City is divesting its ownership in propane fuels, which is a higher emitting carbon fuel compared to natural gas.

Superior Public Service (5.3) - Clearwater Gas System (CGS) collaborated with City Administration and determined that selling off Propane was in the best interest of the City.

The Council recessed from 2:52 p.m. to 3:00 p.m.

Councilmember Beckman moved to award Invitation to Bid 03-24, Surplus of Clearwater Gas System Propane Customer and Assets, approve an Assets Purchase Agreement with Suburban Propane, L.P. of Whippany, New Jersey, in the amount of \$4,250,000, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 6.10** Authorize the City Attorney to retain the services of Allen, Norton, and Blue to defend the City in an employment lawsuit filed by a former employee.

On February 13, 2024, former employee Jamie Lascko filed a lawsuit in State court against the City. Because the City has since been served with that lawsuit, and the City is required to respond promptly, the City Attorney has retained attorney Brian Koji with the law firm of Allen, Norton & Blue to represent the City in this matter. The law firm of Allen, Norton & Blue specializes in labor and employment matters, and Mr. Koji is a board-certified expert in labor and employment law. Budgeted funds are available, and the City Attorney is seeking Council's permission to ratify the agreement.

Councilmember Teixeira moved to authorize the City Attorney to retain the services of Allen, Norton, and Blue to defend the City in an employment lawsuit filed by a former employee. The motion was duly seconded and carried unanimously.

7. Citizens to be heard re items not on the agenda - For purposes of this role, "items pertaining to city business" includes any matter within the Council's or the City Manager's power to act, any matter that the Council previously voted on or discussed at the dais, or any matter discussed by or scheduled to be considered by another governmental entity that affects the operation of the City. Each person who wishes to address the Council shall complete a comment card and submit the card to the City Clerk (right-hand side of dais) before the speaker will be permitted to speak. However, if the speaker has just arrived or decided to speak, the Chair may allow the card to be filled out after speaking. Individuals will limit their comments to a maximum of three minutes. The Mayor shall advise the speaker that their time has expired. If the person remains at the podium, thereby interfering with other persons who may wish to be heard, the speaker's microphone may be turned off, or the Mayor may rule the person out of order in accordance with Rule 15.

Bill Jonson said the Market Marie was a lot of fun and thanked Code Enforcement staff for the recent enforcement efforts at 2171 Beecher Road, which has been an eyesore for a long time. He also thanked staff for the proposed project at 1510 Barry Road that will be presented to the Community Development Board this week.

Mr. Holuba said the First Amendment protects all respective actions to suppress free speech by all branches of government, no matter how rude or inappropriate it is.

Michael Taylor expressed concerns that individuals' First and Second Amendment rights are being trampled on by the City.

James thanked the Council for not shutting down public comment, as other municipalities have considered, and suggested that any funds that are coming back to the City be returned to the taxpayers.

Darrel Lakey opposed the proposed dock at 1028 Sunset Point Rd.

Blaine Enderle submitted emails regarding Pinellas Hope and Clearwater Police Department (see pages 19-27).

8. City Manager Verbal Reports

8.1 North Beach Update

Public Works Director Marcus Williamson provided an update on the North Beach stormwater issues. Staff received the title valve report and met with the contractor. The contractor has been informed of some of the corrective they need to make, such as turning title valves to the proper position and sealing valves where there is seepage. He said the cleaning and inspections continue; staff is asking residents to instruct their contractors not to dump in the storm drain. He said staff has met with the engineer who will be handling the lift station.

In response to a comment, Mr. Williamson said staff will be at the vulnerability assessment presentation. The City Manager said the Environmental Advisory Board was cancelled due to lack of quorum but the presentation will move forward as scheduled.

9. City Attorney Reports – None.

10. Other Council Action

10.1 Sign Ordinance - Councilmember Beckman

Councilmember Kathleen Beckman said she continues to hear from small businesses that the City's sign ordinance is overly restrictive and needs to be more business friendly. She requested consideration to discuss comprehensive changes to the sign ordinance so that it is more business friendly.

Discussion ensued with comments made that the business community should be part of the discussion and that the City must balance business need for signs with the aesthetics of sign clutter.

Assistant City Manager Michael Delk said the highest regulated area in the city is the beach, which has the most activity. He requested that staff be given until late summer to provide Council with a comprehensive sign code overview. Unless this item is given top priority, Planning staff will need a few months to clear the workplan.

Support was expressed to consider discussing comprehensive changes to the sign ordinance at a future meeting.

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

Councilmember Allbritton said Forward Pinellas has been discussing the potential merger of Hillsborough, Pinellas, and Pasco Counties Metropolitan Planning Organizations into a single Tampa Bay MPO. The tri-county council of city and county elected officials to agree on plans and priorities for funding major projects, such as road improvements, rapid transit, greenways, trails, and other transportation improvements. He said the merged MPO will harness the collective strength of the region and garner more funding at the state and federal levels.

Councilmember Teixeira departed Chambers at 3:44 p.m.

Councilmember Kathleen Beckman said as the Chair for the Continuum of Care, she sent letters to all funders expressing concerns regarding SB 1530 and HB 1365 if signed into law. If enacted, local governments will be required to designate safe sleeping zones for those who are unhoused. She said the zones can only be in place for 365 days at a time and will require certification from the Florida Department of Children & Families, be safe and secure, and substance free. The designated areas must also provide access to restrooms, water, and mental and substance abuse service providers. She said the State has not allocated any funding to

assist local governments with implementing these mandates. She encouraged all to vote tomorrow.

Vice Mayor Bunker said this may be his last meeting. He said it has been an honor and pleasure serving Clearwater. He thanked Mayor Aungst for stepping up to serve when Mayor Hibbard resigned. He said city staff is amazing and he appreciates their efforts.

12. Closing Comments by Mayor – None.

13. Adjourn

The meeting adjourned at 3:53 p.m.

Attest

Mayor
City of Clearwater

City Clerk

Call, Rosemarie

From: Blain Enderle <benderle1234@gmail.com>
Sent: Monday, March 18, 2024 10:25 AM
To: ClearwaterCouncil
Subject: Watch "Pinellas Hope Is Growing 21 More Cottages Thank You Pinellas Park AND Clearwater For Action" on YouTube

CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

<https://youtube.com/shorts/8jmzwcna5G8?si=kN0LGvvq5q9kIOFv>

Call, Rosemarie

From: Blain Enderle <benderle1234@gmail.com>
Sent: Monday, March 18, 2024 10:18 AM
To: ClearwaterCouncil
Subject: Really? In the 3rd richest city in Florida. Police station with children.

CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

10:16 ↗

Clearwater Police



Subscriptions

3/13/2020

From: Blain Enderle <benderle1234@gmail.com>
Sent: Monday, March 18, 2024 8:42 AM
To: ClearwaterCouncil

CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Highlighted comment



@ccashmier • 2 minutes ago

We were in downtown St. reggae rise up this week! people everywhere. Every walk full of people. Every every table outside full. Th and fun, full of kids at the live music, art galleries, s comparison to Clearwater.

Call, Rosemarie

From: Blain Enderle <benderle1234@gmail.com>
Sent: Monday, March 18, 2024 8:13 AM
To: ClearwaterCouncil
Subject: Watch "Clearwater's Police Chief Eric Gandy Please sir please Explain I know you want a NEW BUILDING" on YouTube

CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

https://youtube.com/shorts/svE7_tTc0FY?si=YOeQh0zgFdJ4VTiZ

Call, Rosemarie

From: Blain Enderle <benderle1234@gmail.com>
Sent: Sunday, March 17, 2024 9:26 AM
To: ClearwaterCouncil
Subject: Watch "Pinellas Hope Is Growing 21 More Cottages Thank You Pinellas Park AND Clearwater For Action" on YouTube

CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

<https://youtube.com/shorts/8jmzwcna5G8?si=w856mQKaiU0Gmtol>

Thank you all.

Blain

Call, Rosemarie

From: Blain Enderle <benderle1234@gmail.com>
Sent: Friday, March 15, 2024 5:01 PM
To: ClearwaterCouncil
Subject: Fwd: Safety

CAUTION: This email originated from outside of the City of Clearwater. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Council,

As a crossing guard my boss Norn asked me if I had any other issues to tell him.

Here it is. The police probably didn't like it. They never said a thing

Blain Enderle

Sent from my iPhone

Begin forwarded message:

From: Blain Enderle <benderle1234@gmail.com>
Date: November 28, 2021 at 11:48:57 AM EST
To: "Runkles, Norman" <norman.runkles@myclearwater.com>
Subject: Re: Safety

spelling errors are my trademark. sorry.

On Sun, Nov 28, 2021 at 10:36 AM Blain Enderle <benderle1234@gmail.com> wrote:
Norm,

Attached is the safety concern I have had ever since the fountain was removed on the roundabout.

I left for 2 years but just before I left I explained to the City removing the fountain was a big mistake. After many heated exchanges, the City gave into my concerns and painted the arrows on the roundabout for me.

When I was 11 and 12 years old I grew up in Mount Vernon Ohio where the City has a roundabout. So I am very familiar with their workings and rules. BUT their rules and our rules do not match.

The arrows were being put on when I left for those 2 years so I didn't get to see them completed. When I came back I immediately spoke to Bill Horne stating that the attached SAFETY CONCERN must be addressed and I am going to the City Council. I am only waiting for this stupid mask rule to go away.

Issues I have asked the City to fix for me because I know Bill Horne would want it fixed. Bill Horne and I are on the same page when it comes to what I ask him to fix.

In the last 11 months, I have asked the City to fix over 75 different safety issues on the City App.

I called the Chief (Who I love) and asked him to help stop the Semi-trucks on Sunset Point road. I got his secretary. 2 months ago.

Called in the 20 Safety cones sitting in the turn road on Highland for 3 days.

Called the City when the water was shooting 30 feet into the air on Highland 1 month ago.

Asked the City to fix a pier that was idle for 2 years idle while I was gone. They did. EST \$200,000.

I have asked the Police officer at Kings Highway Elementary why they are not flying the flag? It's fixed and a new one was nice too.

My latest text to you was just stating I don't think the City knows that they are to complete the required cross-walk and school markings due to its brand new asphalt. I have been working with the City for over a decade and I truly know how they work at some things. It is just my opinion that they just don't know the ball is now in their hands at finishing this amazing upgraded intersection.

Why do I do ask the City to fix all these things year after year? 2 reasons, For Bill Horne and the Law of cause and effect? All the nice I do will come back at me. All the bad I do will come back at me. The letter to the new City Manager was the first thing I have done since Bill has died. Bill who knows me would never ever through me under the bus like it was done to me for writing that office.

The CONES is a City-wide issue to me and NOT a crossing guard issue. All the City needs is a system and a very simple one of removing the old outdated cones with beautiful cones like our web page states. The City trucks that go in front of me daily have cones on them. Some are much better than ours and some are God awful.

Crossing Guards are impeccable in everything we do. Our cones should be too. JMO

There is so much to talk about but if I can accomplish 1 thing it is I am NOT a threat to anyone.

You may share this with whoever every you think would help me make Clearweater the BEST place to live. I would rather just be in the background and let people at the top take all the credit.

Thank you to listening,

Blain

