

City of Clearwater

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



Meeting Minutes

Thursday, March 2, 2017

6:00 PM

Council Chambers

City Council

Roll Call

Present: 5 - Mayor George N. Cretekos, Vice Mayor Bill Jonson, Councilmember Doreen Caudell, Councilmember Bob Cundiff and Councilmember Hoyt Hamilton

Also Present: William B. Horne II – City Manager, Jill Silverboard – Deputy 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 – Rev. Jefferson Cox from Grace Lutheran Church.**3. Pledge of Allegiance – Councilmember Cundiff****4. Special recognitions and Presentations (Proclamations, service awards, or other special recognitions. Presentations by governmental agencies or groups providing formal updates to Council will be limited to ten minutes.) – Given.**

- 4.1 Clearwater for Youth College Scholarship Candidates - Hank Webb, Executive Director, Clearwater for Youth
- 4.2 2017 Youth Arts Month Proclamation, March 2017 - Beth Daniels, President, Clearwater Arts Alliance
- 4.3 Newspaper in Education Week Proclamation, March 6-10, 2017 - Sue Bedry from Newspaper in Education, Tampa Bay Times

5. Approval of Minutes

- 5.1 Approve the minutes of the February 16, 2017 City Council Meeting as submitted in written summation by the City Clerk.

Councilmember Cundiff moved to approve the minutes of the February 16, 2017 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

Phillip Felix expressed concerns with motorcycle noise and speed throughout the city.

Daniel Haluba opposed the reclaimed water fee being issued to residents who do not use the service and read a definition for enterprise fund.

7. Consent Agenda – Approved as submitted.

- 7.1** Authorize a loan in an amount not to exceed \$600,000 to Habitat for Humanity of Pinellas County, Inc. to construct up to 13 single family homes within the 600 block of North Garden Avenue, Clearwater, Florida, enter into a mortgage contingent on closing the acquisition of said property, and authorize the appropriate officials to execute documents required to affect closing. (consent)
- 7.2** Approve an addendum to The Bancorp Bank (dba Mears Motor Leasing) Master Lease Agreement to increase the total available credit line from \$24,728,010 to \$45,000,000; require all financed items to have a unique identifiable number (i.e. VIN or serial number); and change the interest rate on draws amortized over 3 years to the 3-Year Treasury Constant Maturity Rate (3-year CMT) plus 1.00%; and authorize the appropriate officials to execute same. (consent)
- 7.3** Ratify the settlement of liability claim of Reed Myles and Becky Myles for payment not to exceed \$69,667.85 and authorize the appropriate officials to execute same. (consent)
- 7.4** Approve a purchase order (contract) in the amount of \$360,000 to Unum Life Insurance Company of America for the period January 2017 through December 2017 for city paid life insurance and Long Term Disability benefit and authorize the appropriate officials to execute same. (consent)
- 7.5** Approve a General Utility Easement over Lot 16, Block D of Bayside Subdivision No.6, Unit C, conveyed to the City by the Property Owner and authorize the appropriate officials to execute same. (consent)
- 7.6** Approve a Work Order to Engineer of Record (EOR), McKim and Creed, Inc., in the amount of \$199,800 for Permanent Wastewater Flow Monitoring System complete with data analysis and reporting over a 12-month period and authorize the appropriate officials to execute same. (consent)

- 7.7** Approve a supplemental work order to Engineer of Record (EOR) McKim and Creed, Inc. in the amount of \$76,926.00 for the Reverse Osmosis Water Treatment Plant 1 Blend Tank Removal Project (16-0032-UT); and authorize the appropriate officials to execute same. (consent)
- 7.8** Authorize the purchase of four 170 horsepower Flygt Pumps from Xylem Water Solutions USA, Inc., Apopka, FL for \$671,705.00; three Yaskawa Variable Frequency Drives from ICON Technologies, Tampa, FL for \$114,644.77; one Square D Switchboard, one Motor Control Center and miscellaneous electrical equipment from Schneider Electric USA Inc., Tampa, FL for \$38,500 for the Marshall St. Influent Pump Station Emergency Repairs Project (16-0038-UT), and authorize the appropriate officials to execute same. (consent)
- 7.9** Approve a renewable 5-year term Interlocal Agreement between Pinellas County Government and City of Clearwater to provide Ross Norton Recreational Complex as a Public Disaster Shelter during times of emergency, and allow the City of Clearwater's Emergency Manager to execute same. (consent)
- 7.10** Approve the Federally Funded Public Assistance Funding Agreement for public assistance support for Hurricane Hermine expenditures and allow the City Manager to execute same. (consent)
- 7.11** Reappoint Barbara Blakely, Elizabeth Folk and Barbara Ann Murphey to the Library Board with terms expiring February 28, 2021. (consent)
- 7.12** Schedule a special work session on Tuesday, April 25 at 9:00 a.m. for the purpose of holding a strategic planning session. (consent)

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

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

- 8.1** Provide direction on the termination of the Development Agreement between Ted and Maria Lenart, Trustees of Lenart Family Trust UTD December 20, 1991 (the property owner) and the City of Clearwater, which provided for the allocation of up to 69 units from the Hotel Density Reserve under Beach by Design, and confirm a second public hearing in City Council Chambers before City Council on March 16, 2017 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2013-08007)

On December 4, 2013, a Development Agreement was made effective

between the property owner and the City of Clearwater which provided 69 units from the Hotel Density Reserve (HDA2013-08007/Resolution 13-31).

Section 6.1.3.2 of the Agreement provides that the Developer shall obtain appropriate site plan approvals pursuant to a Level One or Level Two development application, within three years from the effective date of this Agreement (Commencement Date) (December 4, 2016) in accordance with the provisions of the Code.

Finally, Section 10.1 of the Agreement provides that if the Developer's obligations set forth in this Agreement are not followed in a timely manner, as reasonably determined by the City Manager, after notice to the Developer and an opportunity to be heard, existing permits shall be administratively suspended and issuance of new permits suspended until the Developer has fulfilled its obligations. Failure to timely fulfill its obligations may serve as a basis for termination of this Agreement by the City, at the discretion of the City and after notice to the Developer and an opportunity for the Developer to be heard.

As of December 4, 2016, site plans have not been submitted to the City for review, let alone approved as required, above. Therefore, the terms of the Development Agreement have not been met by the Developer.

Pursuant to Section 13 of the Agreement notices have been provided to:

1. Ted and Maria Lenart, Trustees of the Lenart Family Trust, u/ t/d/ December 20, 1991
8556 W. Winnemac, Noridge
Chicago, IL 60656
2. Katherine E. Cole, Esq.
Hill Ward Henderson
311 Park Place, Suite 240
Clearwater, FL 33759

Vice Mayor Jonson moved to confirm a second public hearing in City Council Chambers before City Council on March 16, 2017 at 6:00 p.m., or as soon thereafter as may be heard. The motion was duly seconded and carried unanimously.

- 8.2** Approve a Development Agreement between North Clearwater Beach Development, LLC (the property owner) and the City of Clearwater, providing for the allocation of 10 units from the Hotel Density Reserve under Beach by Design, adopt Resolution 17-01, and authorize the appropriate officials to execute same. (HDA2016-09001)

Since the Council Work Session on Monday the applicant has revised Sheet A2 of their submittal (the second floor layout of the building) which eliminates a

bedroom from one of the units and replaces that space with a lobby/front desk area. This area is located near the elevator. A note is included on the sheet near the front desk area which provides that the space will be attended 24 hours a day, seven days a week.

Staff no longer objects to the request and believes that, as submitted, it is consistent with all applicable sections of *Beach by Design*. Staff is now recommending approval of HDA2016-09001.

The owners propose to utilize the 17 hotel units otherwise permitted by the Resort Facilities High (RFH) Future Land Use classification and incorporate an additional 10 units from the Hotel Density Reserve through *Beach by Design* resulting in a total of 27 units (78 units per acre).

Consistency with the Community Development Code:

With the noted exception of the aforementioned changes, no other changes have been made to the Conceptual Site Plan presented at the February 16, 2017 Council meeting. The Conceptual Site Plan continues to appear to be consistent with the CDC with regard to:

- Minimum Lot Area and Width
- Minimum Setbacks
- Maximum Height
- Minimum Off-Street Parking
- Landscaping

Consistency with Beach by Design:

With the noted exception of the aforementioned changes, no other changes have been made to the Conceptual Site Plan presented at the February 16, 2017 Council meeting. As noted, changes have been made to Sheet A2 of their submittal (the second floor layout of the building) which eliminates a bedroom from one of the units and replaces that space with a lobby/front desk area. The Conceptual Site Plan is now consistent with *Beach by Design* because the criterion which requires the provision of a typical lobby arrangement has been met.

Standards for Development Agreements:

The proposal, with the aforementioned changes, is in compliance with the standards for development agreements and is consistent with the Comprehensive Plan.

The proposed Development Agreement would be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel

Density Reserve under *Beach by Design* and includes the following main provisions:

- Provides for the allocation of 10 units from the Hotel Density Reserve;
- Requires the developer to obtain building permits and certificates of occupancy in accordance with Community Development Code (CDC) Section 4-407;
- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- Prohibits the conversion of any hotel unit allocated from the Hotel Density Reserve to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodation usage; and
- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

Changes to Development Agreements:

Pursuant to CDC Section 4-606.I., a Development Agreement may be amended by mutual consent of the parties, provided the notice and public hearing requirements of CDC Section 4-206 are followed. Revisions to conceptual site plans and/or architectural elevations attached as exhibits to this Development Agreement shall be governed by the provisions of CDC Section 4-406. Minor revisions to such plans may be approved by the Community Development Coordinator. Other revisions not specified as minor shall require an amendment to this Development Agreement.

The Planning and Development Department is recommending approval of this Development Agreement for the allocation of up to 10 units from the Hotel Density Reserve under *Beach by Design*.

Planning and Development Director Michael Delk said since the work session, the Applicant revised the second floor plan to a more traditional lobby area; staff has removed its objection from the allocation of the hotel density reserve request and supports the revised plan. Mr. Delk said the proposal looks more like a resort attached dwelling than a hotel. He reminded Council they have the discretion to approve the request for the additional ten units. He said a future council discussion is needed to discuss how to strategically approach the remaining hotel density units.

In response to questions, Mr. Delk said the density pool was created to provide hotel accommodations for mid-size limited service hotels. He was not aware of any of the new hotel accommodations built on the beach that have multiple bedroom units. The City does not regulate the number of bedrooms or size of hotel units applicants propose to construct. Mr. Delk said the proposal is not prohibited by the reserve pool. If the additional units are not allocated, the proposal is buildable as a 17-unit project. He said, during the economic downturn, from an economic standpoint, the hotel industry was unable to compete with the condominium market. It took 5-7 hotel rooms to equal the economic value of one condominium.

The hotel density reserve pool was created to equalize the market imbalance and make hotel rooms competitive. The typical suburban hotel model has approximately 80-120 rooms; staffing levels do not vary much within this hotel room range. Mr. Delk said the maximum number of reserve units allowed is 100; the maximum density is 150 units to the acre. Massing drawings are required when there is a regulatory or a compatibility review, such as tower height separation. If allocation from the density pool is approved by Council, the Applicant is still required to seek a Level 2 approval in order to construct the project. Mr. Delk said, as outlined in the code, he believes the proposal looks like a resort attached dwelling due to the size and the number of bedrooms. The proposed site is constrained by parking; any hotel on the beach has to park itself. The City Attorney said allocation from the hotel density reserve is within Council's discretion. Mr. Delk said city code defines hotel rooms as overnight accommodations that can be rented up to one month or 30 days.

A concern was expressed regarding the multiple bedroom units being proposed.

Applicant Houshe Govahee reviewed the proposal. He said the larger units with multiple bedrooms are designed for families with children, providing parent privacy when needed. The parents are provided a key for each of the bedrooms. All of the units will be rented out for a maximum of thirty days. The same model was used for the Marriott Courtyard St. Pete and Pinellas Park and both are working well. Mr. Govahee said the concerns expressed by council at the last meeting have been addressed. Developer Representative Ian Larson said it is not uncommon for hotels to have a 2 or 3- bedroom suites to accommodate families and vacation getaways. The plan has been revised to provide 24-7 front desk coverage in a more traditionally designed lobby area.

In response to a question, Mr. Govahee said daily maid service will be provided.

The Mayor departed Chambers at 6:41 p.m. and returned at 6:42 p.m.

Discussion ensued with concerns expressed that the proposed project is not consistent with the goal of the density reserve program, that the proposal does not appear to be a mid size limited service hotel and that the additional density may negatively impact the neighboring properties. It was stated that the density units were created for a specific purpose and should not be used for resort attached dwellings.

In response to questions, the City Attorney said Council has the discretion to allocate the additional units from the hotel density reserve based on comments supporting Council's decision. Changes to Beach by Design can be

made; staff has expressed a desire to discuss how the remaining units should be addressed moving forward.

Councilmember Caudell moved to approve a Development Agreement between North Clearwater Beach Development, LLC (the property owner) and the City of Clearwater, providing for the allocation of 10 units from the Hotel Density Reserve under Beach by Design. The motion was duly seconded and carried with the following vote:

Ayes: 3 - Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

Nays: 2 - Mayor Cretekos and Vice Mayor Jonson
Motion carried.

Resolution 17-01 was presented and read by title only. Councilmember Cundiff moved to adopt Resolution 17-01. The motion was duly seconded and upon roll call, the vote was:

Ayes: 3 - Councilmember Caudell, Councilmember Cundiff and Councilmember Hamilton

Nays: 2 - Mayor Cretekos and Vice Mayor Jonson
Motion carried.

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 8996-17 on second reading, creating Section 3-1505 of the Community Development Code to create a Foreclosure Property Registry and provide for enforcement and penalties.

Ordinance 8996-17 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 8996-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.2** Adopt Ordinance 8997-17 on second reading, annexing certain real properties whose post office addresses are 1515 Stevenson's Drive and 1316 Woodbine Street, along with certain abutting Rights-of-Way of Stevenson's Drive and Carol Drive, all in Clearwater, Florida 33755, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 8997-17 was presented and read by title only. Vice Mayor Jonson moved to adopt Ordinance 8997-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.3** Adopt Ordinance 8998-17 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to designate the land use for certain real properties whose post office addresses are 1515 Stevenson's Drive and 1316 Woodbine Street, all in Clearwater, Florida 33755, upon annexation into the City of Clearwater, as Residential Low (RL).

Ordinance 8998-17 was presented and read by title only. Councilmember Caudell moved to adopt Ordinance 8998-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.4** Adopt Ordinance 8999-17 on second reading, amending the Zoning Atlas of the city by zoning certain real properties whose post office addresses are 1515 Stevenson's Drive and 1316 Woodbine Street, all in Clearwater, Florida 33755, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 8999-17 was presented and read by title only. Councilmember Cundiff moved to adopt Ordinance 8999-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.5** Continue 2nd reading of Ordinance 9002-17 to April 6, 2017: Approve a Future Land Use Map Amendment from the Residential Low (RL) category to the Residential Low Medium(RLM) category for 2425 McMullen Booth Road and an unaddressed parcel on McMullen Booth Road. (LUP2016-02002)

Councilmember Hamilton moved to continue Item 9.5 to April 6, 2017. The motion was duly seconded and carried unanimously.

- 9.6** Continue 2nd reading of Ordinance 9003-17 to April 6, 2017: Approve a Zoning Atlas Amendment from the A-E Agricultural Estate Residential District (Pinellas County) to the Medium Density Residential (MDR) District (City) for 2425 McMullen Booth Road and an unaddressed parcel on McMullen Booth Road. (REZ2016-02002)

**Vice Mayor Jonson moved to continue Item 9.6 to April 6, 2017.
The motion was duly seconded and carried unanimously.**

10. City Manager Reports

- 10.1** Appoint two members to the Community Development Board with terms to expire February 28, 2021.

APPOINTMENT WORKSHEET

BOARD: **Community Development Board**

TERM: 4 years

APPOINTED BY: City Council

FINANCIAL DISCLOSURE: Yes

RESIDENCY REQUIREMENT: City of Clearwater

MEMBERS: 7 & 1 alternate

CHAIRPERSON: Brian A. Barker

MEETING DATES: 3rd Tues., 1:00 p.m.

PLACE: Council Chambers APPTS. NEEDED: **2 + Alt.**

SPECIAL QUALIFICATIONS: Board shall include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, planning & land use law and real estate

THE FOLLOWING ADVISORY BOARD MEMBER(S) HAVE TERMS WHICH EXPIRE AND NOW REQUIRE EITHER REAPPOINTMENT FOR A NEW TERM OR REPLACEMENT BY A NEW APPOINTEE; ALSO THE CURRENT ALTERNATE MEMBER WISHES TO BE APPOINTED AS A REGULAR MEMBER:

1. David E. Allbritton - 217 Palm Island N.W., 33767 - **Building Contractor**

Original Appointment: 10/15/14

(1 absence in the last year)

Interested in Reappointment: **Yes** (filling unexpired term until 2/28/17)

2. Brian A. Barker - 1430 Rosetree Court, 33764 - **Civil Engineer**

Original Appointment: 2/19/09

(currently serving **2nd** term to expire 2/28/17)

3. John Quattrocki - 1353 Stewart Blvd., 33764 - **Real Estate Broker/Developer**

Original Appointment: 9/3/15

(0 absences in the last year)

Note - Mr. Quattrocki was appointed as the alternate member to finish an unexpired term through 4/30/18 and expressed an interest to serve as a regular member. If Mr. Quattrocki is appointed as a regular member, an appointment for an alternate member, with term expiring 4/30/18, will be needed.

THE FOLLOWING NAMES ARE BEING SUBMITTED FOR CONSIDERATION

TO FILL THE ABOVE VACANCIES OR TO BE THE ALTERNATE MEMBER:

1. Robert J. Aude - 1719 Brentwood Dr., 33756 - **Architect**

****Mr. Aude does not wish to be considered as the Alternate member****

2. Sheila Cole - 670 Island Way, #600, 33767 - **Marketing & Graphics**

Yes to Alt. member seat

3. Charles Reed Haydon - 105 Bayside Drive, 33762 - **Civil Engineer, Professional**

****Mr. Haydon prefers to be considered as a full member, but he's willing to start as the alternate member****

4. David L. Jaye - 2856 Shady Oak Ct., 33761 - **Real Estate**

(Currently serving on the Brownfields)

Yes to Alt. member seat

5. David Loyd - 1710 Brentwood Dr., 33765 - **Dir. of Business Development**

****Mr. Loyd prefers to be considered as a full member, but he's willing to start as the alternate member****

6. Arthur Shand - 2105 Drew Street #200, 33765 - **Realtor, Construction Consultant, Designer (pending)**

Yes to Alt. member seat

7. Michelle Thomann-Ramirez - 10 S. Keystone Dr., 33755 - **Art Educator/Artist**

Yes to Alt. member seat

Zip codes of current members: 1 at 33755, 1 at 33759, 1 at 33763, 2 at 33764 and 3 at 33767

Current Categories:

2 Attorneys
2 Civil Engineers
1 Building Contractor
1 Landscape Architect
2 Real Estate Brokers

The City Clerk said after the work session it was requested that the architect certification be confirmed for Mr. Shand and Aude. Mr. Shand does not currently hold an active certification and staff was unable to speak with Mr. Aude. The City Clerk said Mr. Loyd has withdrawn his application as he will be submitting an application for the Library Advisory Board.

Vice Mayor Jonson provided a copy of the city code that describes membership to the Community Development Board: "In making appointments to the community development board, the city commission shall seek membership with diverse...professional representation and shall include members qualified and experienced in the fields of architecture, planning, landscape architecture, engineering, construction, planning and land use law and real estate." He supported Mr. Allbritton because he is a contractor and Mr. Aude because he is an architect.

It was stated that Mr. Quattrocki has been serving as the alternate member and has expressed an interest to serve as a full member. Discussion ensued with comments made that Mr. Quattrocki has been serving as the alternate member and provides an expertise that may not be apparent with one who has not served on the board and that individuals who do not have a professional designation may serve on the board.

Vice Mayor Jonson moved to reappoint Mr. Allbritton and appoint Mr. Aude as members of the Community Development Board with terms expiring February 28, 2021. The motion was duly seconded and the following vote was taken:

Ayes: 2 - Vice Mayor Jonson and Councilmember Cundiff

Nays: 3 - Mayor Cretkos, Councilmember Caudell and Councilmember Hamilton

Motion failed.

Councilmember Caudell moved to reappoint Mr. Allbritton and appoint Mr. Quattrocki as members of the Community Development Board with terms expiring February 28, 2021 and appoint Mr. Haydon as

the alternate member to fill unexpired term through April 30, 2018. The motion was duly seconded and carried unanimously.

11. City Attorney Reports – None.

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

Vice Mayor Jonson reported the PSTA legislative committee met earlier this week and that two out of the three agenda items related to Clearwater. One item was operational funding in the FDOT budget for the TIA to Clearwater beach express bus and the other item was design funding for an update to the Clearwater beach exclusive lane design that was done about ten years ago. He said he heard Tampa Bay Times CEO Paul Tesh speak at Tiger Bay who answered questions about reconciling alternative facts and his response was it is up to citizens to exercise their civic duty. He distributed copies of the Athenian Oath and spoke about the last two sentences.

Councilmember Hamilton expressed a concern regarding the Tampa Bay Times lack of coverage of the Phillies, Yankees and Blue Jays spring training season and noted only the Tampa Bay Rays have been covered in the paper. On behalf of himself and his family, he expressed appreciation to the community for their support after the passing of his mother. He said he and his brothers will do their best to continue their parent's legacy of keeping Clearwater as great a place as it is.

13. Closing Comments by Mayor – None.

14. Adjourn

The meeting adjourned at 7:19 p.m.

Attest

Mayor
City of Clearwater

City Clerk