

City of Clearwater

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



Meeting Minutes

Thursday, May 4, 2017

6:00 PM

Council Chambers

City Council

Roll Call

Present: 4 - Mayor George N. Cretekos, Councilmember Bill Jonson (Arrived – 6:03 p.m.), Councilmember Bob Cundiff and Vice Mayor Hoyt Hamilton

Absent: 1 - Councilmember Doreen Caudell

Also Present: 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. Donna Oberkreiser from Central Christian 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 Swim Across America Day Proclamation, May 6, 2017 - Swim Across America Tampa Bay

4.2 Youth Sportsmanship Awards

4.3 Federal Session Update Presentation - Greg Burns, Van Scoyoc Associates

5. Approval of Minutes

5.1 Approve the minutes of the April 20, 2017 City Council Meeting as submitted in written summation by the City Clerk.

Councilmember Cundiff moved to approve the minutes of the April 20, 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

Mr. James expressed concerns regarding taxes itemized on a homeowner's tax bill for services they do not use.

7. Consent Agenda – Approved as submitted.

- 7.1** Approve a Work Order to Engineer of Record (EOR) McKim and Creed of Clearwater, FL, in the amount of \$170,847 for Lift Station 45 Force Main Replacement (17-0016-UT), and authorize the appropriate officials to execute same. (consent)
- 7.2** Approve the final plat for Stevenson Creek Townhomes, whose physical address is 1112 Stevenson Avenue, located on the North-easterly corner of Stevenson Avenue and the Pinellas Trail. (consent)
- 7.3** Award a construction contract to PCL Construction Inc. for the Marshall Street Water Reclamation Facility (WRF) Influent Pump Station Repair (16-0038-UT) in the amount of \$1,349,525.00, which is the lowest responsible bid received in accordance with the plans and specifications; approve a Supplemental Work Order to Engineer of Record (EOR) McKim and Creed, Inc. in the amount of \$65,280.00 for construction management and engineering inspection services and authorize the appropriate officials to execute same. (consent)
- 7.4** Award a construction contract to RTD Construction, Inc. of Zephyrhills, FL in the amount of \$430,076, approve Engineer of Record (EOR) Tetra Tech Inc. supplemental Work Order in the amount of \$97,988 for the Reverse Osmosis Plant 1-Pressure Filter Modifications and Adsorption System Automation Project (15-0031-UT) and authorize the appropriate officials to execute same. (consent)
- 7.5** Authorize a purchase order (contract) to Andritz Separation of Arlington, TX in the annual amount of \$300,000.00, with the option for two, one-year term extensions for the purchase of parts and service and authorize the appropriate officials to execute same. (consent)
- 7.6** Request for authority to settle the case of Gail Scott vs. City of Clearwater Case No. 16-003177-CI for \$65,000.00. (consent)

Vice Mayor 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. Second Readings - Public Hearing

- 8.1** Adopt Ordinance 8980-17 on second reading, amending the future land use element

of the Comprehensive Plan of the city to change the land use designation for a 0.72 acre portion of certain real property whose post office address is 2251 Montclair Road, Clearwater, Florida 33763, from Preservation (P), to Residential Medium (RM).

Ordinance 8980-17 was presented and read by title only.

Councilmember Jonson moved to adopt Ordinance 8980-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretekos, Councilmember Jonson, Councilmember Cundiff and Vice Mayor Hamilton

- 8.2** Adopt Ordinance 8981-17 on second reading, amending the Zoning Atlas of the city by rezoning a 0.72 acre portion of certain real property whose post office address is 2251 Montclair Road, Clearwater, Florida 33763, from Preservation (P) to Medium High Density Residential (MHDR).

Ordinance 8981-17 was presented and read by title only.

Councilmember Cundiff moved to adopt Ordinance 8981-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretekos, Councilmember Jonson, Councilmember Cundiff and Vice Mayor Hamilton

- 8.3** Adopt Ordinance 9008-17 on second reading, annexing certain real property whose post office address is 3115 Johns Parkway, Clearwater, Florida 33759, together with certain right-of-way of Johns Parkway, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 9008-17 was presented and read by title only. Vice Mayor Hamilton moved to adopt Ordinance 9008-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretekos, Councilmember Jonson, Councilmember Cundiff and Vice Mayor Hamilton

- 8.4** Adopt Ordinance 9009-17 on second reading, amending the future land use element of the Comprehensive Plan of the city to designate the land use for certain real property whose post office address is 3115 Johns Parkway, Clearwater, Florida 33759, upon annexation into the City of Clearwater as Residential Urban (RU).

Ordinance 9009-17 was presented and read by title only.

Councilmember Jonson moved to adopt Ordinance 9009-17 on

second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretekos, Councilmember Jonson, Councilmember Cundiff and Vice Mayor Hamilton

- 8.5** Adopt Ordinance 9010-17 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 3115 Johns Parkway, Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9010-17 was presented and read by title only. Councilmember Cundiff moved to adopt Ordinance 9010-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretekos, Councilmember Jonson, Councilmember Cundiff and Vice Mayor Hamilton

- 8.6** Adopt Ordinance 9011-17 on second reading, annexing certain real properties whose post office addressees are 3052, 3059, and 3070 Hoyt Avenue, all within Clearwater, Florida 33759, together with certain rights-of-way of Hoyt, Moss, and Merrill Avenues, Terrace View Lane, Lake Vista Drive, Glen Oak Avenue East and Glen Oak Avenue North, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 9011-17 was presented and read by title only. Vice Mayor Hamilton moved to adopt Ordinance 9011-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretekos, Councilmember Jonson, Councilmember Cundiff and Vice Mayor Hamilton

- 8.7** Adopt Ordinance 9012-17 on second reading, amending the future land use element of the Comprehensive Plan of the city to designate the land use for certain real properties whose post office addressees are 3052, 3059, and 3070 Hoyt Avenue, all within Clearwater, Florida 33759, upon annexation into the City of Clearwater as Residential Low (RL).

Ordinance 9012-17 was presented and read by title only. Councilmember Jonson moved to adopt Ordinance 9012-17 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretekos, Councilmember Jonson, Councilmember Cundiff and Vice Mayor Hamilton

- 8.8** Adopt Ordinance 9013-17 on second reading, amending the Zoning Atlas of the city by zoning certain real properties whose post office addressees are 3052, 3059, and 3070 Hoyt Avenue, all within Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9013-17 was presented and read by title only. Councilmember Cundiff moved to adopt Ordinance 9013-17 on second final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretekos, Councilmember Jonson, Councilmember Cundiff and Vice Mayor Hamilton

9. City Manager Reports

- 9.1** Amend the Clearwater Code of Ordinances, Section 2.527 - Settlement of Claims, to increase the City Manager or his/her designee authority to settle and release, on behalf of the City, any claim or lawsuit, both for and against the City, up to and including \$50,000, which is an increase from its current amount of \$25,000; approve any settlement that exceeds \$15,000 (currently \$7,500) shall be reviewed by the City Attorney and/or designee and any claim that exceeds \$25,000 (currently \$15,000) shall require unanimous written concurrence of the City Manager, City Attorney and Risk Manager or their designees and pass Ordinance 9031-17 on first reading.

The Risk Management Division of the Finance Department respectfully requests this amendment to allow for settlement of claims to be more efficient and to acknowledge that current claims settlement authorization levels are not sufficient, since settlements have become increasingly more expensive since 1980, which is the date of the original Ordinance.

In reviewing the 22 claims that went to Council for settlement approval from June 2014 to March 2017, 10 of those claims fell between \$25,000 and \$50,000. By increasing the settlement authority to \$50,000, it will provide for the following benefits:

- Allow recognition that claims values have increased since 1980, the date of the original Ordinance, due to medical and legal expenses.
- Greater flexibility for Risk Management and the Claims Committee to settle claims quicker, therefore reducing workload, claims severity and legal expenses.
- Reduce the amount of time for review and approval of these settlements arising from one on one's with councilmembers, presentations at council work sessions and council meetings.

Risk Management believes the recommended changes to this Section will increase the efficiency and provide a financial benefit of reducing claims severity and legal payments.

Vice Mayor Hamilton moved to amend the Clearwater Code of Ordinances, Section 2.527 - Settlement of Claims, to increase the City Manager or his/her designee authority to settle and release, on behalf of the City, any claim or lawsuit, both for and against the City, up to and including \$50,000, which is an increase from its current amount of \$25,000; approve any settlement that exceeds \$15,000 (currently \$7,500) shall be reviewed by the City Attorney and/or designee and any claim that exceeds \$25,000 (currently \$15,000) shall require unanimous written concurrence of the City Manager, City Attorney and Risk Manager or their designees. The motion was duly seconded and carried unanimously.

Ordinance 9031-17 was presented and read by title only. Councilmember Jonson moved to pass Ordinance 9031-17 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretokos, Councilmember Jonson, Councilmember Cundiff and Vice Mayor Hamilton

- 9.2** Approve Amendment 1 to Local Agency Program (LAP) Agreement between Florida Department of Transportation (FDOT) and the City of Clearwater to increase federal funding by \$67,981 for the construction of Druid Trail Phase IV, extend the agreement to October 31, 2018, authorize the appropriate officials to execute same and adopt Resolution 17-18.

January 19, 2017, City Council approved a Local Agency Program (LAP) agreement between the City of Clearwater and the Florida Department of Transportation (FDOT) and authorized the City to build the final section of the Druid Trail which will tie into the terminus of Druid Trail Phase III. Druid Trail Phase IV is an eight foot wide multiuse asphalt trail on Druid Road from Evergreen Avenue (Glen Oaks Park) to the Duke Energy Trail.

Upon completion of design estimated costs were higher than anticipated. In order to rectify this FDOT has agreed to cover the increase of \$67,981. City funds will remain at \$687,807. FDOT federal funding will be increased from \$2,223,803 to \$2,291,784. The overall project value increases from \$2,911,610 to \$2,979,591.

The LAP agreement is expected to go into effect in May 2017 and the project

is to be completed by October 31, 2018. Maintenance of the facilities for the trail will be the responsibility of the Parks and Recreation Department and Traffic Operations Division of the Engineering Department.

City staff recommends approval of the LAP agreement and adoption of Resolution 17-18.

APPROPRIATION CODE AND AMOUNT:

0315-92146-334411-000-000-0000 \$67,981

A midyear budget amendment will increase budget only of Grant Revenue in Capital Improvement project 0315-92146, Druid Road Improvement.

In response to a question, Traffic Operations Manager Paul Bertels said staff expects the project to be completed by June 2018.

Councilmember Cundiff moved to Approve Amendment 1 to Local Agency Program (LAP) Agreement between Florida Department of Transportation (FDOT) and the City of Clearwater to increase federal funding by \$67,981 for the construction of Druid Trail Phase IV, extend the agreement to October 31, 2018, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Resolution 17-18 was presented and read by title only. Vice Mayor Hamilton moved to adopt Resolution 17-18. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretikos, Councilmember Jonson, Councilmember Cundiff and Vice Mayor Hamilton

9.3 Request for authority to appeal an order final summary judgment against the City in the case of Bayesplanade.com , LLC v. City of Clearwater (Case No. 16-000697-CI). (consent)

On February 3, 2016, Bayesplanade.com, LLC, filed a civil lawsuit in the Circuit Court of Pinellas County against the City of Clearwater seeking to quit title to a certain tract of submerged land lying east of Clearwater Island.

Both parties filed motions for summary judgment and on April 18, 2017, the Circuit Court granted Bayesplanade's motion and denied the City's motion.

The City Attorney's Office believes that the City's motion for summary judgment was meritorious and that the City should appeal the judgment to the Second District Court of Appeals.

The costs relative to this appeal would come from copy and other administrative overhead costs, estimated to be \$300.00.

APPROPRIATION CODE AND AMOUNT:

0-590-07000-545900-519-000-0000

Councilmember Jonson moved to approve Request for authority to appeal an order final summary judgment against the City in the case of Bayesplanade.com , LLC v. City of Clearwater (Case No. 16-000697-CI). The motion was duly seconded and carried unanimously.

10. City Attorney Reports – None.

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

Councilmember Cundiff said the National Day of Prayer was almost over and he prays as often as he can. The theme for this year is "For your great namesake, hear us, forgive us and heal us" (Daniel 9:19).

Councilmember Jonson thanked the Pinellas Ladies Prayer Breakfast Committee for praying for all the elected officials. He said former Charleston Mayor Joe Riley will be speaking at the Urban Land Institute conference in Tampa, May 25-26. He highlighted an area in the North Greenwood neighborhood that was transformed from a jungle of ugliness to a beautiful corner with live oak trees and thanked staff for their work on getting the area cleaned up.

12. Closing Comments by Mayor

Mayor Cretikos reviewed recent and upcoming events.

13. Adjourn

The meeting adjourned at 6:55 p.m.

Attest

Mayor
City of Clearwater

City Clerk

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