

City of Clearwater

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



Meeting Minutes

Thursday, December 6, 2018

6:00 PM

Council Chambers

City Council

Roll Call

Present: 4 - Mayor George N. Cretekos, Councilmember Hoyt Hamilton, Vice Mayor Bob Cundiff and Councilmember David Allbritton

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 – Mayor Cretekos**3. Pledge of Allegiance – Councilmember Allbritton****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 National Human Trafficking Awareness Day Proclamation, January 11, 2019 - U.S. Institute Against Human Trafficking - Micah Washinski, US Institute Against Human Trafficking, Trafficking Free Zone - Pinellas County

4.2 The Arc Tampa Bay Foundation's Festival of Trees - Madison Hauenstein, Executive Director, and Dan Shouvin, Board President of The Arc Tampa Bay Foundation

Ms. Hauenstein thanked the city and staff for their continued support.

4.3 PSTA TRAC Awards - Bob Lasher, PSTA

4.4 Presentation of 2019 Conservation Partner of the Year Award to the City of Clearwater - Barbara Walker, President of Clearwater Audubon Society

Ms. Walker presented the City with the 2019 Conservation Partner Award.

4.5 Environmental Advisory Board Annual Presentation - Jared Leone, EAB Chair

Mr. Leone reviewed accomplishments over the past year, which included a council approved resolution supporting the ocean friendly business initiative.

5. Approval of Minutes**5.1 Approve the November 15, 2018 City Council Meeting Minutes as submitted in written summation by the City Clerk**

Councilmember Cundiff moved to approve the November 15, 2018 City Council Meeting Minutes 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

Karena Morrison encouraged all to shop at the Market Space for Good in the Creative Suites at Station Square.

Kathleen Beckham, Glenna Wentworth, Jana Wiggins and Sheri Heilman encouraged the City to hire a Sustainability/Resiliency Coordinator who can promote efforts to reduce the carbon footprint amongst business owners and residents.

Dee Noenau opposed the City obtaining closed captioning services via Granicus.

Mike Riordon supported a new City Hall be built soon as possible and suggested building a music venue that was separated from Coachman Park.

7. Consent Agenda – Approved as submitted less Item 7.3.

7.1 Declare as surplus obsolete gas appliances to the needs of the City, authorize disposition through sale to the highest bidder through open market and authorize the appropriate officials to execute same. (consent)

7.2 Award Purchase Orders, in the total annual amount of \$1,500,000 for the purchase of diaphragm gas meters, regulators, rotary gas meters, and gas regulators, for the period January 1, 2019 through December 31, 2019, authorize two, one-year extension periods, and authorize the appropriate officials to execute same. (consent)

- 7.3 Approve the collective bargaining agreement as negotiated between the City of Clearwater and IAFF Local 1158 for Fiscal Years 2018/19, 2019/2020, and 2020/2021 and authorize the appropriate official to execute same. (consent)

See below.

- 7.4 Approve co-sponsorship and waiver of requested city fees and service charges for Fiscal Year 2018/19 for a new event sponsored by the Downtown Development Board, Cars and Coffee, in the amount of \$5,000 for in-kind services and authorize the appropriate officials to execute same. (consent)
- 7.5 Award a Contract to Astro Turf Corporation (AstroTurf), of Dalton, Georgia for \$499,000, to provide and install a synthetic turf practice field at Jack Russell Stadium, pursuant to City Code Section 2.564(1)(b) Other Government Entity Bids and authorize the appropriate officials to execute same. (consent)
- 7.6 Approve the proposed sculpture collection for Sculpture360: Season IX- Art in the Cleveland Street District and authorize the appropriate officials to execute same. (consent)
- 7.7 Approve the Religious Community Services, Inc. (RCS) 2019 Agreement renewal for provision of contractual victim advocacy services in an amount not to exceed \$15,000 and authorize the appropriate officials to execute same. (consent)
- 7.8 Approve Construction Manager at Risk (CMR) proposal from Biltmore Construction Company Inc., of Belleair, Florida, in the amount of \$1,878,897 for the demolition of the Harborview Center (09-0049-EN) and authorize the appropriate officials to execute same. (consent)
- 7.9 Approve Engineer of Record (EOR) Supplemental 1 Work Order for Jones Edmunds and Associates, Inc. in the amount of \$32,500 for Northeast Water Reclamation Facility (NE WRF) Blend Tank Improvements (14-0036-UT) and authorize the appropriate officials to execute same. (consent)
- 7.10 Accept a Sidewalk Easement over a portion of Lot 1, Block G, of Avondale Subdivision, conveyed to the City by the Property Owner. (consent)
- 7.11 Approve construction contract with Lovin Construction, Inc., in the amount of \$464,169.20, for the construction of a culvert on Cooper's Point Channel at Damascus Road and authorize the appropriate officials to execute same. (consent)
- 7.12 Approve Construction Manager at Risk (CMR) proposal from Biltmore Construction Company Inc., of Belleair, Florida, in the amount of \$1,903,854 for the construction of the

Emergency Operations (EOC) Data Center at Fire Station 48 (17-0013-FI) and authorize the appropriate officials to execute same. (consent)

- 7.13** Approve a reimbursement grant of \$50,000 to the U.S. Coast Guard Auxiliary BE SAFE Inc. for parking lot improvements and authorize the appropriate officials to execute same. (consent)
- 7.14** Elect Councilmember Cundiff to serve as Vice Mayor. (consent)
- 7.15** Appoint Councilmember Allbritton to Forward Pinellas to fill the remainder of an unexpired term through September 30, 2021 as the Clearwater representative. (consent)
- 7.16** Request for authority to initiate foreclosure actions on behalf of the City to recover amounts owed on municipal liens imposed against certain real property. (consent)

Councilmember Hamilton moved to approve the Consent Agenda as submitted, less Item 7.3, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 7.3** Approve the collective bargaining agreement as negotiated between the City of Clearwater and IAFF Local 1158 for Fiscal Years 2018/19, 2019/2020, and 2020/2021 and authorize the appropriate official to execute same. (consent)

The current collective bargaining agreement between the City of Clearwater and IAFF Local 1158 expired on September 30, 2018. The parties reached a tentative agreement for a new contract which was ratified by the membership. The agreement is a three-year agreement providing for a 3% general wage increase (GWI) for all classifications plus a step pay increase of either 5% or 2.5 % depending on years of service in the first year retroactive to October 1, 2018. It also provides for all pay ranges to be adjusted by 3% in the first year. In the second and third year of the agreement, it provides for a 3% general wage increase plus a step pay increase of either 5% or 2.5 % depending on years of service and a 3% pay range adjustment for all classifications. It also increases standby pay by \$10.00/pay period and special teams pay by \$5.00/pay period.

APPROPRIATION CODE AND AMOUNT:

A cumulative value of this agreement over the three-year term is \$2,032,636. The cost associated with the implementation of this agreement by fiscal year is anticipated to be approximately as follows:

FY 2018/19 \$663,905 (This includes \$11,060 for increases in standby and special team pay)

FY 2019/20 \$676,329 (This includes \$11,060 for increases in standby and

special team pay)

FY 2020/21 \$692,402 (This includes \$11,060 for increases in standby and special team pay)

The FY 2018/19 budget projected a salary increase of \$539,900. A first quarter budget amendment will allocate \$124,005 of General Fund reserves to fund the unbudgeted portion for the first year. Future budgets will include the contract costs in the proposed budget.

USE OF RESERVE FUNDS:

Funding for this contract will be provided by a first quarter budget amendment allocating General Fund reserves in the amount of \$124,005 to Fire Department personnel codes. Inclusive of this item if approved, a net total of \$702,375 of General Fund reserves has been appropriated by Council to fund expenditures in the 2018/19 operating budget. The remaining balance in General Fund reserves after the 8.5% reserve is approximately \$8.9 million, or 6.1% of the current General Fund operating budget.

The City Council thanked Human Resources Director Joe Roseto for his efforts and service to the community, which lasted 19 years as Clearwater's Human Resources Director, and wished him a happy retirement.

Councilmember Allbritton moved to approve Item 7.3. The motion was duly seconded and carried unanimously.

Public Hearings - Not before 6:00 PM

8. Administrative Public Hearings

- 8.1** Approve the City of Clearwater's Fiscal Year 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER). (APH)

The Consolidated Annual Performance and Evaluation Report (CAPER) is the principal administrative report documenting the City's expenditures for Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs to the U.S. Department of Housing and Urban Development (HUD). For Fiscal Year (FY) 2017-2018, the City's entitlement allocation was \$656,940 in CDBG and \$278,435 in HOME program funds, \$2,716,521 of Prior Year funds and \$784,080 of Program Income for a total budget of \$4,435,976 from federal funds.

Through the CDBG and HOME program activities, total expenditures were \$1,747,240 in FY 2017-2018, which included program income and funding from the prior year reprogrammed funds. Those funds not expended from this year's

budget will be programmed in future years.

In addition to reporting activities carried out with federal money, a summary of activities conducted with the Florida State Housing Initiatives Partnership (SHIP) Program and Pinellas County Housing Trust Fund (PCHTF) Program is also included in the narrative section. For FY 2017-2018, SHIP fund expenditures totaled \$1,940,089 and PCHTF fund expenditures totaled \$268,245.

The report provides HUD with necessary information for the Department to meet its requirement to assess each grantee's ability to carry out relevant Community Planning and Development programs in compliance with all applicable rules and regulations. It also provides information necessary for HUD's Annual Report to Congress and it provides grantees an opportunity to describe to citizens their successes in revitalizing deteriorated neighborhoods and in meeting objectives stipulated in their Consolidated Planning document. The City of Clearwater's FY 2017-2018 CAPER contains information on the City's assessment of the following activities:

- * Assessment of Four-Year Goals and Outcomes
- * Resources and Investments
- * Affordable Housing
- * Homeless and Other Special Needs
- * Public Housing
- * Other Actions to Address Barriers to Affordable Housing
- * Monitoring
- * CDBG
- * HOME

A list of notable accomplishments utilizing federal, state and local funds for FY 2017-2018 include:

- * Provided ten down payment & closing cost assistance loans totaling \$173,968
- * Provided \$341,911 for the rehabilitation of ten (10) owner-occupied units
- * Provided Abilities Inc. of Florida \$323,834 for the rehabilitation of five rental-units at St. Andrews Cove
- * Provided Community Service Foundation \$222,148 of funding to purchase seven rental units
- * Provided \$200,840 to Habitat for Humanity of Pinellas County for the acquisition of land and construction of three single-family homes
- * Provided \$275,000 of funding toward the construction of Woodlawn Trail Apartments; an 80-unit rental complex
- * Provided \$75,000 of funding toward the construction of Madison Point Apartments; an 80-unit rental complex
- * Provided the City of Clearwater Parks and Recreation Department \$99,000 for the rehabilitation and upgrading of restrooms at Philip Jones Field
- * Provided Directions For Living \$99,000 for the rehabilitation of their lobby and waiting area
- * Provided Clearwater Brewing Company \$40,000 for a façade loan-to-grant
- * Provided \$60,000 for technical assistance services to be provided by the Hispanic Business Initiative Fund of Florida, Inc. dba Prospera and Tampa Bay Black Business Investment Corporation that assisted 152 entrepreneurs and businesses.

Overall federal, state and local funding assisted 8,821 persons and 36 Households.

On November 13, 2018, the Neighborhood and Affordable Housing Advisory Board (NAHAB) recommended the City Council approve the CAPER as written. The CAPER is due to HUD no later than December 31, 2018.

Housing Coordinator Kim DuPont provided a PowerPoint presentation.

Vice Mayor Cundiff moved to approve the City of Clearwater's Fiscal Year 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER). The motion was duly seconded and carried unanimously.

- 8.2** Approve the request from the owner of property addressed 1285 S. Missouri Ave. to vacate a gas line easement located on their property and pass Ordinance 9210-19 on first reading. (VAC2019-01).

The property owner has requested the City vacate the 5-ft. gas line easement located on this property as the owner moves forward with developing this site for commercial use.

There are no utilities present in this easement. All appropriate city departments have reviewed this request and have no objection to this vacation.

Councilmember Hamilton moved to approve the request from the owner of property addressed 1285 S. Missouri Ave. to vacate a gas line easement located on their property. The motion was duly seconded and carried unanimously.

Ordinance 9210-19 was presented and read by title only.

Councilmember Allbritton moved to pass Ordinance 9210-18 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretkos, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 8.3** Provide direction on the proposed first amendment to an existing Development Agreement between NESCL, LLC (the property owner) and the City of Clearwater for property located at 443 East Shore Drive, which includes a revision to the number of overnight accommodation units, revises the notice addresses for the developer, includes

a revision to Exhibit B to provide new conceptual site plans and elevations, and confirm a second public hearing in City Council Chambers before City Council on January 17, 2019 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2012-03001A)

Site Location and History:

The 1.26-acre subject property is located at the northeast corner of East Shore Drive and Papaya Street. The site is zoned Tourist (T) District with an underlying Future Land Use Plan (FLUP) category of Resort Facilities High (RFH) and is located within the Marina District of *Beach by Design*.

On June 19, 2012, the Community Development Board approved a project consisting of 134 overnight accommodation units, a 6,500 square foot restaurant, a 50-slip marina, and 15-foot wide boardwalk along the seawall of the property. Subsequently, at its meeting of July 27, 2012, the City Council entered into a Development Agreement with the developer of this project, and as part of this Agreement the Council assigned 71 units from the Hotel Density Reserve to the project to achieve 134 overnight accommodation units.

Development Proposal:

The developer is proposing to increase the number of overnight accommodation units within the project from 134 to 139 via two separate Transfers of Development Rights of two and three units each. The additional rooms are to be accommodated within previously approved “cabana units,” which were not considered to be rooms for overnight stay, and as such there is no expansion of the building needed to accommodate these new rooms. The development already includes sufficient off-street parking to meet the requirement of the additional rooms. The changes to the Development Agreement are listed below.

Development Agreement:

- The 7th recital is deleted and replaced to provide for an updated room count;
- Section 4.1 is deleted and replaced to provide for an updated room count and density;
- Section 13: the addresses for the Developer are deleted and replaced with updated information; and,
- Exhibit “B” is deleted and replaced with updated site and building places reflecting the updated room count.

Consistency with the Community Development Code (CDC):

At its meeting of June 19, 2012, the Community Development Board found the development proposal to be consistent with the applicable provisions of the CDC. No aspect of those provisions is being modified as part of this proposal.

Consistency with *Beach by Design*:

At its meeting of June 19, 2012, the Community Development Board found the development proposal to be consistent with the applicable provisions of *Beach by Design*. No aspect of those provisions is being modified as part of this proposal.

Hotel Density Reserve:

The project was previously reviewed for compliance with those criteria

established within *Beach by Design* concerning the allocation of hotel rooms from the Reserve and the project was found to be consistent with those criteria, including that the development comply with the Metropolitan Planning Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities.

Standards for Development Agreements:

The proposal is in compliance with the standards for development agreements, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in *Beach by Design*. The proposed first amended and restated amendment to the existing Development Agreement will be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel Density Reserve under *Beach by Design* and includes the following main provisions:

- Provides for no change in the number of units (71 units) allocated from the Hotel Density Reserve (previously approved as part of DVA2012-03008/Resolution No. 12-07);
- Revises Exhibit B which includes new conceptual site plans, architectural drawings, elevations and perspectives;
- Requires the developer to obtain building permits within one year of approval of the amended and restated Development Agreement and certificates of occupancy in accordance with CDC Section 4-407;
- Requires the return of any hotel unit obtained from the Hotel Density Reserve that is not constructed;
- For units allocated from the Hotel Density Reserve, prohibits the conversion of any hotel unit to a residential use and requires the recording of a covenant restricting use of such hotel units to overnight accommodation usage; and,
- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

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.

In response to questions, Planning and Development Director Michael Delk said the boardwalk will have a direct connection to the Papaya Street promenade. There have been some minor amendments to the development agreement that improve the architectural look of the building. He said five units will require six parking spaces; there are more than six excess parking spaces in the current development plan. Mr. Delk said he did not recall any restrictions related to outdoor music.

Applicant Representative Brian Aungst reviewed the request and said five units are being added. Originally, the five units were cabana units which were similar to the Hyatt's interior access units that allow for day stays or hourly stays by the pool or lanai area. The cabana units are being eliminated and converted to overnight accommodations units. The density allowed per city code and Beach by Design is 150 units per acre; the additional five units brings the density to 110.32 units per acre. He said the applicant has no objection to including any standard limitations to exterior amplified music that were not part of the original development agreement.

In response to questions, Mr. Aungst said in 2009 the City approved 55 boat slips to be developed prior to the hotel, which was incorporated into the development agreement. A portion of the boat slips will be limited to the hotel and a portion will be available for lease; none of the slips will be available for commercial purposes. The exterior amplified music restrictions will be added to the agreement.

One individual expressed concerns with the proposed elevations.

Councilmember Hamilton moved to confirm a second public hearing in City Council Chambers before City Council on January 17, 2019 at 6:00 p.m., or as soon thereafter as may be heard. The motion was duly seconded and carried unanimously.

- 8.4** Approve amendments to Appendix C, Downtown Zoning District and Design Standards of the Community Development Code, to establish new sign regulations for the Downtown District and pass Ordinance 9217-19 on first reading. (TA2018-04002)

Two major initiatives were approved for Downtown in 2018. One was the update of the Clearwater Downtown Redevelopment Plan and the other was the adoption of a new form-based code zoning code. The goals of these efforts are to create a thriving urban core that has a dense, livable development pattern, quality urban design and a high-quality public realm. Signage can play an important role in defining an area's brand and attracting customers to an area. Well-designed signs made with quality materials and coordinated with the overall building/storefront design play an important role in creating a vibrant street environment. Signage that is not well thought-out and of low quality design and materials can detract from an area and send a negative message to potential investors and customers. To aid in the creation of a dynamic urban environment as envisioned by the Downtown Plan, new sign regulations are proposed for the Downtown District.

At present, all sign requirements are located in Article 3, Division 18 Signs.

Ordinance No. 9217-19 proposes to revise and relocate sign regulations applicable to the Downtown District to Appendix C, Division 7. Below is a summary of the substantive provisions of this ordinance.

- Deletes regulations specific to Downtown in Article 3, Division 18, as well as the Clearwater Downtown Redevelopment Plan. Provides new language in their place to direct users to Appendix C, Division 7.
- Amends Article 4, Division 10 Sign Permit to ensure signs erected in Downtown are subject to the sign permit requirements.
- Provides for definitions of various types of signs
- Establishes rationale for sign standards specific to the Downtown District.
- Clarifies that certain requirements in Article 3, Division 18 will continue to apply to Downtown including those pertaining to exempt signs, prohibited signs and temporary signs.
- Establishes the design principle of a sign hierarchy to guide sign planning involving multiple signs.
- Increases amount of building signage allowed.
- Increase the area of allowable freestanding signage.
- Allows multiple signs to be erected within certain parameters (numbers, design, etc.)
- Revises window sign allowances due to increases in the area and number of allowable building signs.
- Establishes skyline signs for high-rise buildings.
- Provides for higher quality signs and prohibits certain lower quality sign designs/materials based on existing code requirements and former Downtown design guidelines.
- Provides standards for the allowable sign type in terms of number of signs allowed per establishment/building or parcel, dimensional requirements and other standards.

The Planning and Development Department has determined that the proposed text amendments to the Community Development Code are consistent with and furthers the goals, objectives and policies of the Comprehensive Plan and the

Community Development Code as outlined in the staff report. The Community Development Board (CDB) will review the proposed text amendment at its meeting of November 20, 2018 and staff will report its recommendation at the meeting.

Planning and Development Assistant Director Gina Clayton provided a PowerPoint presentation.

In response to questions, Ms. Clayton said the regulations were drafted because of Downtown's urban environment, the City's most dense area, and provides lesser setbacks than the US 19 code. The City Manager said he

suspects there will be people who want more flexibility than allowed but Council has emphasized over the years that Downtown should be treated differently. Ms. Clayton said the proposed changes do not address any marquis signage or 3D objects (i.e., merchandise) used as signage. Businesses will be able to have a projecting sign in the shape of a bunny rabbit, for example. Staff is hoping the additional signage area formula will be used creatively.

Vice Mayor Cundiff moved to approve amendments to Appendix C, Downtown Zoning District and Design Standards of the Community Development Code, to establish new sign regulations for the Downtown District. The motion was duly seconded and carried unanimously.

Ordinance 9217-19 was presented and read by title only. Councilmember Hamilton moved to pass Ordinance 9217-19 on first reading. The motion was duly seconded.

Vice Mayor Cundiff moved to amend Ordinance 9217-19 as follows:

On page 3 of Exhibit A, Section C-705.A is amended to read as follows to add a reference to the sign designs and style and sign types subsections:

Section C-705. ALLOWABLE SIGN AREA, NUMBER AND TYPES OF SIGNS

A) Sign Area and Number of Signs

The total maximum sign area and number of allowable signs shall be as determined in Table 5 below. For each cell in the table, there is a maximum allowed sign area that may be utilized with any combination and any number of sign associated with that cell, unless otherwise noted. The measurements for linear feet shall be at grade. Specific requirements for the allowable sign types are set forth in Section C-705.C and D.

On page 10 of Exhibit A, Section C-705.D.2.b is amended to read as follows to revise the number of sign limitations to apply to establishments instead of to buildings:

2. Projecting Signs

b. Number of Signs: No more than 1 projecting sign per ~~building~~ establishment.

On page 12 of Exhibit A, Figure 49 is amended by removing the Givenchy awning sign example photograph and replacing it with the following photograph:



On page 13 of Exhibit A, Section C-705.D.5.d is amended to read as follows to add a reference specifying allowable illumination:

5.Shingle Signs

d.Standards

- 1.A shingle sign shall be located a minimum of 15 feet from a projecting sign or another shingle sign.
- 2.Shingle signs shall be located below the finished floor level of the second story.
- 3.Shingle signs may be externally or internally illuminated in accordance with Sections C-704.D and C-705.C

On page 14 of Exhibit A, Section C-705.D.6.d.2 is amended to read as follows to allow external illumination of under canopy signs:

5.Under Canopy Sign

d.Standards

- 1.Under canopy signs shall be used only at ground floor locations except for upper floor businesses with covered entry porches or balconies
- 2.Under canopy signs ~~shall not~~ may be externally illuminated.
- 3.Under canopy signs shall be securely fixed to the underside of the canopy or porch.

The motion was duly seconded and carried unanimously.

Upon roll call, Ordinance 9217-19, as amended, passed on first reading, as follows:

Ayes: 4 - Mayor Cretkos, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 8.5** Continue to January 17, 2019: Provide direction on the proposed Development Agreement between Decade Properties, Inc. (the property owner) and the City of Clearwater, providing for the allocation of 27 units from the Hotel Density Reserve under Beach by Design and confirm a second public hearing in City Council Chambers before City Council on February 7, 2019 at 6:00 p.m., or as soon thereafter as may be heard. (HDA2018-10002; 850 Bayway Boulevard).

Development Proposal:

The current proposal is to demolish all structures on the 0.661-acre site and build a single seven-floor hotel with 60 hotel rooms (91 units per acre). The 60 proposed units include 33 units otherwise permitted by the Resort Facilities High Future Land Use classification and an additional 27 units from the Hotel Density Reserve through *Beach by Design*. The building will be 80 feet (from Base Flood Elevation) to roof. The proposal includes a tropical modern architecture, which is consistent with and complements the tropical vernacular envisioned in *Beach by Design*.

The site will be accessed via two driveways with one two-way driveway located at the northeast corner of the property and the second driveway (an ingress-only) located at the northwest corner. The primary entrance and lobby of the building will be located along Bay Esplanade on the second floor. The ground floor and the first four floors of the building will contain all 80 required parking spaces. Please note that the applicant has provided that floor one is the first floor over ground level parking in other words the floors run as ground, 1, 2, 3, 4, 5, 6 and 7. The ground floor includes 27 parking spaces. Floors one through three will include six hotel units as well as 14 parking spaces, each. The fourth floor will also include six units along with 11 parking spaces. Floors five through seven will include 12 hotel units each. A lobby/registration area is located on the ground floor at the northwest corner of the building. A small pool and patio area is provided on the fifth floor on the south side of the building. No additional amenities are proposed.

The existing 26-slip dock is proposed to remain with 10 of the slips available only for hotel guests. The remaining 16 slips will be available for lease by the general public. This will result in two uses being established on the property; a hotel and a marina facility. A marina facility is defined in the Community Development Code (Article 8) as a use of land involved in the operation of a marina including structures and activities normally integral to the operation of a marina, such as servicing, fueling, pumping-out, chartering, launching, and dry-storage of boats and boating equipment. A marina is defined as any structure constructed on pilings over open water or supported by flotation on the water which provides three or more boat slips for the purpose of sale or lease. The Development Agreement includes specific language to limit the specific activities which may take place on the site ensuring that the "marina facility" component of the site will be compatible with the overnight accommodations component of the site as well as adjacent and surrounding uses. Specifically, activities such as servicing, fueling, pumping-out, commercial chartering and/or and dry-storage of boats and boating equipment be strictly prohibited and that the marina slips shall be limited to sale and/or lease to privately-owned boats rather than commercial vessels for hire.

Consistency with the Community Development Code (CDC):

Minimum Lot Area and Width:

The subject property is 28,800 square feet in area and approximately 240 feet wide. The proposed lot area and width may be approved as part of a Level One Flexible Standard development (FLS) application, subject to meeting the applicable flexibility criteria of the Community Development Code

Minimum Setbacks:

The conceptual site plan depicts setbacks to building of 15 feet along the front (south) along Bayway Boulevard, side (east and west) setbacks of 10 feet and a rear (south) setback of five feet (all to building). The proposed setbacks may be approved as part of a Level Two Flexible Development (FLD) application, subject to meeting the applicable flexibility criteria of the Community

Development Code.

Maximum Height:

The proposal provides for a building 80 feet in height as measured from BFE where a height of up to 100 feet is permitted for overnight accommodations. The proposed height is also permitted by the CDC subject to meeting the applicable flexibility criteria of the CDC and as approved as part of a Level II Flexible Development application and as otherwise limited by *Beach by Design*. The height of the proposed building is consistent with the guidelines of *Beach by Design*.

Minimum Off-Street Parking:

The 60-room overnight accommodation use with a 16-slip marina facility requires a minimum of 80 off-street parking spaces with 1.2 spaces per unit (72 spaces) for the hotel component and one space per two slips (eight spaces) for the 16-slip marina facility component. A parking garage component located on the ground and first four levels of the building will provide a minimum of 80 spaces where 80 spaces are required. This is consistent with the applicable Sections of the CDC.

Landscaping:

While a formal landscape plan is not required to be submitted for review at this time, the conceptual landscape areas depicted on the site plan show that adequate spaces for foundation landscaping will be provided along the street frontage as required by Section A.6 of the Old Florida District within *Beach by Design*. Since no perimeter landscape buffers are otherwise required in the Tourist (T) District, the proposed landscape areas meet or exceed what is required. It is noted, however, that flexibility may be requested/necessary as part of a Comprehensive Landscape Program which would be reviewed at time of formal site plan approval.

Consistency with *Beach by Design*:

Clearwater Pass District

No specific development parameters are provided within the Clearwater Pass district section of *Beach by Design*.

Design Guidelines:

A review of the provided architectural elevations and massing study was conducted and the proposed building does appear to be generally consistent with the applicable Design Guidelines established in *Beach by Design*. It is noted, however, that a more formal review of these Guidelines will need to be conducted as part of the final site plan approval process.

Hotel Density Reserve:

The project has been reviewed for compliance with those criteria established

within *Beach by Design* concerning the allocation of hotel rooms from the Reserve. The project appears to be generally consistent with those criteria, including that the development comply with the Metropolitan Planning Organization's (MPO) countywide approach to the application of traffic concurrency management for transportation facilities. The submitted Traffic Impact Study concludes that traffic operations at nearby intersections and on adjacent roadways would continue at acceptable levels of service.

Standards for Development Agreements:

The proposal is in compliance with the standards for development agreements, is consistent with the Comprehensive Plan and furthers the vision of beach redevelopment set forth in *Beach by Design*. The proposed Development Agreement will be in effect for a period not to exceed ten years, meets the criteria for the allocation of rooms from the Hotel Density Reserve under *Beach by Design* and includes the following main provisions:

- Provides for the allocation of 27 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;
- Provides evidence that the development complies with the Metropolitan Planning Organization's (MPO) countywide approach to the application of concurrency management for transportation facilities, and includes a transportation analysis conducted for the development;
- Provides that all units in a hotel receiving units from the Reserve shall be made available to the public as overnight transient hotel guests at all times through the required hotel reservation system;
- That no hotel room in a hotel allocated units from the Reserve will have a full kitchen;
- That a reservation system shall be required as an integral part of the hotel use and there shall be a lobby/front desk area that must be operated as a typical lobby/front desk area for a hotel would be operated; and
- Requires a legally enforceable mandatory evacuation/closure covenant that the hotel will be closed as soon as practicable after a hurricane watch that includes Clearwater Beach is posted by the National Hurricane Center.

Changes to Development Agreements:

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

No action taken.

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 9147-18 on second reading, vacating the 50 foot right-of-way of East Avenue, depicted as East Street on Jones Subdivision of Nicholson Addition to Clearwater Plat as recorded in Plat Book 4, Page 82 of the public records of Hillsborough County, Florida, from the southerly right-of-way line of the vacated Hart Street to the Northerly right-of-way line of Jones Street.

Ordinance 9147-18 was presented and read by title only.

Councilmember Allbritton moved to adopt Ordinance 9147-18 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.2** Adopt Ordinance 9207-18 on second reading, annexing certain real properties whose post office addresses are 505 and 806 Moss Avenue and 3059 Grand View Avenue, all within Clearwater, Florida 33759, into the corporate limits of the city and redefining the boundary lines of the city to include said additions.

Ordinance 9207-18 was presented and read by title only.

Councilmember Cundiff moved to adopt Ordinance 9207-18 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

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

- 9.3** Adopt Ordinance 9208-18 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 addresses are 505 and 806 Moss Avenue and 3059 Grand View Avenue, all within Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Residential Low (RL).

Ordinance 9208-18 was presented and read by title only.

Councilmember Hamilton moved to adopt Ordinance 9208-18 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretelos, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.4** Adopt Ordinance 9209-18 on second reading, amending the Zoning Atlas of the city by zoning certain real properties whose post office addresses are 505 and 806 Moss Avenue and 3059 Grand View Avenue, all within Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9209-18 was presented and read by title only.

Councilmember Allbritton moved to adopt Ordinance 9209-18 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretelos, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.5** WITHDRAWN: Adopt Ordinance 9204-18 on second reading, annexing certain real property whose post office address is 2101 North Hercules Avenue, Clearwater, Florida 33763, together with abutting right-of-way of North Hercules Avenue, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

No Action taken.

- 9.6** WITHDRAWN: Adopt Ordinance 9205-18 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 property whose post office address is 2101 North Hercules Avenue, Clearwater, Florida 33763, upon annexation into the City of Clearwater as Residential Low (RL).

No Action taken.

- 9.7** WITHDRAWN: Adopt Ordinance 9206-18 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 2101 North Hercules Avenue, Clearwater, Florida 33763, upon annexation into the City of Clearwater as Low Medium Density Residential (LMDR).

No Action taken.

10. City Manager Reports

- 10.1** Approve the First Amendment to Partnership and Support Grant Agreement between the Clearwater Historical Society (CHS) and the City of Clearwater to extend a grant in the amount of \$12,000 annually, from November 1, 2018 through September 30, 2022, for

operational expenses associated with the South Ward Elementary School property and authorize the appropriate officials to execute same.

On January 19, 2016, the City Council approved a three-year support grant to CHS in the amount of \$12,000 annually from February 1, 2016 through October 31, 2018 to provide assistance for the preservation of local history and for the rehabilitation, renovation, maintenance and operation of the South Ward Elementary School property.

CHS has successfully fulfilled all the requirements of the three-year support agreement and is requesting an extension of the grant agreement under the same terms and conditions for an additional three years.

At the November 13 work session, Council directed staff to extend the grant agreement for an additional three years.

This amendment will provide for the extension of the agreement from November 1, 2018 through September 30, 2022 and provide for additional funding of \$12,000 per year for a total of \$36,000, with the first payment being in October 2019 to coincide with the city fiscal year. The remaining two payments will be in October 2020 and 2021.

APPROPRIATION CODE AND AMOUNT:

Funds will be requested in the City Council cost code 0109100-581000 (payment to agencies) for fiscal years 2019/20, 2020/21 and 2021/22 to fund this agreement.

In response to questions, Clearwater Bombers representative Rita Garvey said the Clearwater Bombers will work with the Clearwater Historical Society to ensure space in building 1 is dedicated for the Bombers on a limited basis. Clearwater Historical Society representative Bill Wallace confirmed the Bombers will be provided space at the facility.

Vice Mayor Cundiff moved to approve the First Amendment to Partnership and Support Grant Agreement between the Clearwater Historical Society (CHS) and the City of Clearwater to extend a grant in the amount of \$12,000 annually, from November 1, 2018 through September 30, 2022, for operational expenses associated with the South Ward Elementary School property and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

10.2 Support the submission of a grant application for the Forward Pinellas Complete Streets Grant Program to develop a complete streets design and concept for the Ft. Harrison Avenue corridor from South Ft. Harrison Avenue at Belleair Road to North Ft. Harrison Avenue at the Pleasant Street merge with Myrtle Avenue, and pass Resolution 18-22.

In October 2018, Forward Pinellas issued a call for Complete Streets projects, asking local governments to submit applications requesting funding for concept designs or construction of local complete streets projects, funded through a competitive grant program. Complete Streets are designed, operated, and maintained for all users, regardless of age or ability, based on the context of the street and the surrounding area, and can serve as catalysts for transformative redevelopment and economic development.

Staff has prepared a grant application for the Ft. Harrison Avenue corridor from South Ft. Harrison Avenue at Belleair Road to North Ft. Harrison Avenue where it merges with Myrtle Avenue at Pleasant Street. The scope of this Project connects three major destinations, Morton Plant Hospital Campus, Downtown and the future Imagine Clearwater waterfront redevelopment, and the North Marina Area. A significant portion of the project corridor is within the Downtown Clearwater Redevelopment Area. Both Downtown and the Morton Plant area are designated Activity Centers in the city's Comprehensive Plan. Ft. Harrison Avenue also serves as a significant north-south collector road serving a daily average of 14,862 vehicles on the south segment and 9,800 vehicles on the north segment, according to the Forward Pinellas 2017 Average Annual Daily Traffic (A.A.D.T.) counts. Safe, efficient access to destinations by all travel modes is a key objective of this grant application.

This application would continue the momentum of the recent Complete Drew Street project, which was funded by this same complete street grant. In conjunction with the current development of the Citywide Complete Streets Implementation Plan for Clearwater, the grant would provide the additional benefit of utilizing the Implementation Plan's toolkit of complete streets concept solutions to the various Ft. Harrison Avenue contexts.

The City is requesting \$50,000.00 of funding, and in consideration of the competitive selection process for determining allocation of available funds, the City is committing to matching \$50,000.00 with \$25,000 in-kind and \$25,000 direct funding. Resolution 18-22 formalizes City Council's support for the grant application.

APPROPRIATION CODE AND AMOUNT:

Funds are available in the Planning Department cost code 0101420-530100,

professional services, to fund this agreement.

Councilmember Hamilton moved to support the submission of a grant application for the Forward Pinellas Complete Streets Grant Program to develop a complete streets design and concept for the Ft. Harrison Avenue corridor from South Ft. Harrison Avenue at Belleair Road to North Ft. Harrison Avenue at the Pleasant Street merge with Myrtle Avenue. The motion was duly seconded and carried unanimously.

Resolution 18-22 was presented and read by title only.

Councilmember Allbritton moved to adopt Resolution 18-22. The motion was duly seconded and upon roll call, the vote was:

Ayes: 4 - Mayor Cretelos, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

The Council recessed from 7:56 p.m. to 8:05 p.m.

11. City Attorney Reports – None.

12. Other Council Action

12.1 Appoint an individual to serve as Councilmember, City Council Seat 2, to fill the remainder of an unexpired term through March 2020.

On November 19, 2018, Vice Mayor Doreen Caudell submitted a letter of resignation from the City Council effective November 30, 2018.

Per city charter, Section 2.07, “a vacancy on the council should be filled by majority of the remaining council members within 30 days after the vacancy. The person so appointed shall serve as council member until the next regular or special election. At such election, a council member shall be elected to serve for the remainder of the unexpired term of office.”

The following individuals have expressed an interest in filling this vacancy:

Wayne Carothers

Lucile Casey

Sheila Cole

Frank Dame

Bill Jonson

Kelly Shannon Kelly
Gerry (Gary) Lee
Andrew Lorenti
Konrad McCree, Jr.
Morton Myers
Timothy W. Neubert
Carlen Petersen
Alex Plisko
Jay Polglaze
Bruce Rector
Rebecca Tieder
Howard Warshauer

The City Attorney said the city charter requires council to appoint a successor for the remainder of the term within 30 days and then provides that the appointment be done within 60 days or the council shall call for a special election. If the appointment is not done by January 30, council will be required to call a special election.

The City Clerk said statutes requires the City to obtain consent from the Supervisor of Elections (SOE) to hold the election. She said she has not received a response regarding a potential election date since the City will not be able to make the March 2019 election ballot deadline. The City Clerk said after the SOE establishes a special election date, she will have to comply with the 30-day notice requirement and create a qualifying period.

In response to a question, the City Clerk said the estimated cost to hold the special election is \$100,000, which includes all advertising, noticing, ballots and petition cards.

The City Attorney said council does not have an established process for appointing a successor. She said if a 2-2 votes occurs, the matter automatically continues to the next meeting based on council rules. She suggested councilmembers each nominate an individual and discuss nominees prior to making a motion.

Discussion ensued. Mayor Cretokos nominated Carlen Petersen. Vice Mayor Cundiff nominated Bruce Rector. Councilmembers Allbritton and Hamilton nominated Jay Polglaze.

Vice Mayor Cundiff moved appoint Carlen Petersen. The motion failed for a lack of second.

A concern was expressed that the current council lacks diversity and not representative of the diverse community it serves.

Councilmember Allbritton moved to appoint Jay Polglaze. The motion was duly seconded.

Three individuals spoke in opposition, with comments made that the council would not be representative of the community they serve.

One individual questioned the process.

Discussion ensued with comments made that the best person for job should be selected, that Mr. Polglaze has been involved in Imagine Clearwater.

Upon the vote being taken, the motion carried with the following vote:

Ayes: 3 - Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

Nays: 1 - Mayor Cretekos

Councilmember Allbritton moved to reconsider Item 12.1. The motion was duly seconded and failed with the following vote:

Nays: 4 - Mayor Cretekos, Vice Mayor Cundiff, Councilmember Hamilton, and Councilmember Allbritton

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

Councilmember Hamilton said he has a love for the City and cares deeply about it.

Vice Mayor Cundiff said he appreciated all who submitted their name to fill the vacant council seat. He said he loves Christmas and encouraged all to give their time and talents to different charities.

Councilmember Allbritton said picking one person from the list of volunteers for the vacant council seat was one of the hardest things he's done on the dais. He said he believes Council is doing the right thing for the City. He wished all a Merry Christmas and Happy Hanukkah.

14. Closing Comments by Mayor

Mayor Cretekos reviewed recent and upcoming events and expressed concern that the council will be comprised of five men over 60 representing the city. He wished all a Happy Holidays.

15. Adjourn

The meeting adjourned at 8:52 p.m.

Attest

Mayor
City of Clearwater

City Clerk