

City of Clearwater

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



Meeting Minutes

Thursday, March 7, 2019

6:00 PM

Council Chambers - Main Library

City Council

Roll Call

Present: 5 - Mayor George N. Cretekos, Councilmember Jay Polglaze, Councilmember Hoyt Hamilton, Vice Mayor Bob Cundiff and Councilmember David Allbritton

Also Present: William B. Horne II – City Manager, Jill Silverboard – Deputy City Manager, Micah Maxwell – Assistant City Manager, Pamela K. Akin - City Attorney, Rosemarie Call - City Clerk, and Nicole Sprague – Official Records & 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. in Council Chambers at the Main Library.

2. Invocation – Tracy Thomas from Atheists of Florida, Tampa Bay Coalition of Reason and Humanist Society of the Suncoast

3. Pledge of Allegiance

4. Special recognitions and Presentations (Proclamations, service awards, or other special recognitions. Presentations by governmental agencies or groups providing formal updates to Council will be limited to ten minutes.) – Given.

- 4.1 Clearwater for Youth Scholarship Winners- Kasey Smith, Executive Director Clearwater for Youth
- 4.2 Newspaper in Education Week Proclamation, March 4-8, 2019 - Ms. Sue Bedry, Tampa Bay Times - Newspaper in Education Program
- 4.3 Youth Arts Month Proclamation, March 2019 - Ms. Elizabeth Daniels, President of the Clearwater Arts Alliance
- 4.4 Flood Awareness Week Proclamation, March 11-15, 2019 - Sarah Kessler, Environmental Specialist Engineering Dept.
- 4.5 Paint Your Heart Out - Samantha Almaraz, Board President

Ms. Almaraz provided a PowerPoint presentation. She thanked the City for

their continued support and encouraged all to join Paint Your Heart Out.

5. Approval of Minutes

- 5.1** Approve the February 21, 2019 City Council Meeting Minutes as submitted in written summation by the City Clerk.

Councilmember Allbritton moved to approve the February 21, 2019 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

Rudolph Michalek expressed Councilmember Hamilton had a voting conflict with the Decade Properties HDA application and requested an investigation be conducted.

Beth Daniels encouraged all to visit the Main Library to see the student art exhibit.

Joe Marshall thanked the City for supporting the Greenwood Panthers over the last 34 years and provided Council with commemorative Super Bowl rings.

7. Consent Agenda – Approved as submitted.

- 7.1** Approve the purchase of Excess property insurance, including Bridges, Boiler and Machinery and Terrorism coverages, from April 1, 2019 to April 1, 2020, at the level of insurance provided for in this agenda item, at an amount not to exceed \$1,800,000 and at the property rate of \$0.2520 per \$100 of values through April 1, 2020, and authorize the appropriate officials to execute same. (consent)
- 7.2** Increase Purchase Order 900078, in the amount of \$1,000,000, with JW Harris Contractors to provide the installation of natural gas mains and service lines and authorize the appropriate officials to execute same. (consent)
- 7.3** Accept a Natural Gas Easement over, under, across and through a portion of property conveyed by Murat Gultepe, whose principal address is 1983 Belleair Road, Belleair, FL, given in consideration of receipt of \$1.00 and the benefits to be derived therefrom. (consent)

- 7.4** Accept a Natural Gas Easement over, under, across and through a portion of property conveyed by Tarpon Springs Housing Authority, a public body corporate and politic established pursuant of Chapter 421 of the Florida Statutes whose principal address is 500 S. Walton Avenue, Tarpon Springs, FL, 34689 given in consideration of receipt of \$1.00 and the benefits to be derived therefrom. (consent)
- 7.5** Approve the First Amendment to the Non-Exclusive License Agreement between Sand Runners, LLC (Licensee) and the City of Clearwater (City) and authorize appropriate officials to execute same. (consent)
- 7.6** Authorize a purchase from Lou's Police Distributors, Inc., of Hialeah, Florida, for 285 Glock Model 45 9mm handguns and associated equipment in the amount of \$96,942.00, pursuant to City Code Sections 2.564(1)(e) Exceptions to Bid and 2.622 Surplus Personal Property and authorize the appropriate officials to execute same. (consent)
- 7.7** Authorize General Services to make modifications to the previously approved 2018/2019 Vehicle Replacement List, replacing three vehicles which had been previously authorized for disposal. (consent)
- 7.8** Approve Change Order 3 to Keystone Excavators, Inc. of Oldsmar, Florida, for Druid Trail Phase IV (04-0021-PR), extending the contract duration 200 calendar days and authorize the appropriate officials to execute same. (consent)
- 7.9** Approve the second Amendment to Southwest Florida Water Management District (SWFWMD) Cooperative Funding Agreement (N632) for Hillcrest Bypass Culvert (13-0042-EN) extending the expiration date and authorize the appropriate officials to execute same. (consent)
- 7.10** Approve Change Order 2 to Steve's Excavating and Paving, of Clearwater, FL, for the Druid Road Allen's Creek Stormwater Improvements (11-0044-EN) in the amount of \$661,570.06 and a time extension of 420 days; approve amendment two of Cooperative Funding Agreement (N720) with Southwest Florida Water Management District (SWFWMD), extending the expiration; and authorize the appropriate officials to execute same. (consent)
- 7.11** Approve Engineer of Record (EOR) Supplemental 2 Work Order to Jones Edmunds and Associates Inc., of Tampa, Florida, in the amount of \$54,340 for Alligator Creek FEMA MT-2 Application Project (15-0016-EN) and authorize the appropriate officials to execute same. (consent)
- 7.12** Approve the Locally Funded Agreement with the State of Florida Department of Transportation (FDOT) in the amount of \$130,000 for the design of four regional

stormwater outfalls crossing underneath ALT US 19/SR 595 between Sunnydale Drive to Marine Street and authorize the appropriate officials to execute same. (consent)

7.13 Approve a contract (blanket purchase order) in the amount of \$2,595,000, awarding RFP 17-19 to Precision Contracting Services, Inc., for the installation of new, and maintenance of existing, conduit and fiber optic cabling for a 5-year period from March 1, 2019 through February 28, 2024 and authorize the appropriate officials to execute same. (consent)

7.14 Reappoint Kelly McLeay to the Library Board with a term to expire February 28, 2023. (consent)

7.15 Appoint two members to the Community Development Board with terms to expire February 28, 2023.

7.16 Authorize hiring the law firm of Manson Bolves Donaldson Varn as outside counsel to provide expertise as it relates to water law/submerged lands and act as liaison to the FDEP and other parties as may be necessary to assist in clearing any cloud on title of the lands being developed under the Seminole Street Boat Ramp - North Marina District Improvements Project, approve a Legal Services Agreement for an amount not to exceed \$50,000.00 and authorize appropriate officials to execute same. (consent)

Councilmember Allbritton 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 Approve the request from the owner of property addressed as 601 Mandalay Ave. to vacate a 15-foot-wide platted alley lying within Block A, Replat of Part of Mandalay Unit No. 5, as recorded in Plat Book 21, Page 13 of the Public Records of Pinellas County, Florida, and pass Ordinance 9246-19 on first reading. (VAC2019-06)

The property owner of 601 Mandalay Ave and 40 Bay Esplanade (Property Owner), Clearwater has requested that the City vacate a 15-foot wide alley that runs between Bay Esplanade and Juanita Way.

The purpose of this vacation will be to allow commercial development of a Chase Bank on the owner's property.

The two additional property owners abutting the alley and all city departments

have reviewed this alley vacation and have no objection.

The City of Clearwater will retain a Utility Easement on the entire portion to be vacated, to support existing and future facilities. In addition, the vacation is subject to and conditioned upon the Property Owner granting individual easements to Duke Energy Florida, Inc., Bright House Networks, LLC, Verizon Florida, Inc., and Knology of Central Florida (WOW!) as may be requested by said providers, the location and terms of which are satisfactory to said providers.

Councilmember Polglaze moved to approve the request from the owner of property addressed as 601 Mandalay Ave. to vacate a 15-foot-wide platted alley lying within Block A, Replat of Part of Mandalay Unit No. 5, as recorded in Plat Book 21, Page 13 of the Public Records of Pinellas County, Florida. The motion was duly seconded and carried unanimously.

Ordinance 9246-19 was presented and read by title only. Vice Mayor Cundiff moved to pass Ordinance 9246-19 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretelos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 8.2** Approve the request from the owner of property addressed 26996 US Hwy 19 N. to vacate a portion of a Drainage and Utility Easement as recorded in Official Records Book 4398, Page 362 of the Public Records of Pinellas County, Florida, and pass Ordinance 9247-19 on first reading. (VAC2019-04)

The property owner of 26996 US Hwy 19 N (Property Owner), Clearwater has requested that the City vacate a portion of a Drainage and Utility easement. The purpose of this vacation will be to allow commercial development of a BJ's Wholesale Gas Station on the property.

City stakeholders have reviewed the Drainage and Utility Easement Vacation request and have no objection.

The property owner will grant a new Drainage and Utility Easement to the City at a different location on the property and will pay all costs to relocate utilities.

Councilmember Hamilton moved to approve the request from the owner of property addressed 26996 US Hwy 19 N. to vacate a portion of a Drainage and Utility Easement as recorded in Official Records Book 4398, Page 362 of the Public Records of Pinellas County, Florida. The motion was duly seconded and carried unanimously.

Ordinance 9247-19 was presented and read by title only. Councilmember Allbritton moved to pass Ordinance 9247-19 on first reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

9. Second Readings - Public Hearing

- 9.1** Adopt Ordinance 9224-19 on second reading, amending the future land use plan element of the Comprehensive Plan of the city to change the land use for certain real property whose post office address is 1625 Union Street, Clearwater, Florida 33755 from Institutional (I) to Residential Urban (RU).

Ordinance 9224-19 was presented and read by title only. Councilmember Polglaze moved to adopt Ordinance 9224-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.2** Adopt Ordinance 9225-19 on second reading, amending the Zoning Atlas by zoning certain real property whose post office address is 1625 Union Street, Clearwater, Florida 33755 from Institutional (I) to Low Medium Density Residential (LMDR).

Ordinance 9225-19 was presented and read by title only. Vice Mayor Cundiff moved to adopt Ordinance 9225-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.3** Adopt Ordinance 9229-19 on second reading, annexing certain real property whose post office address is 1300 Idlewild Drive, Clearwater, Florida 33755, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

**Ordinance 9229-19 was presented and read by title only.
Councilmember Hamilton moved to adopt Ordinance 9229-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

Ayes: 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.4** Adopt Ordinance 9230-19 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 1300 Idlewild Drive, Clearwater, Florida 33755, upon annexation into the City of Clearwater, as Residential Urban (RU).

**Ordinance 9230-19 was presented and read by title only.
Councilmember Allbritton moved to adopt Ordinance 9230-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

Ayes: 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.5** Adopt Ordinance 9231-19 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office address is 1300 Idlewild Drive, Clearwater, Florida 33755, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

**Ordinance 9231-19 was presented and read by title only.
Councilmember Polglaze moved to adopt Ordinance 9231-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:**

Ayes: 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.6** Adopt Ordinance 9232-19 on second reading, annexing certain real properties whose post office addresses are 3041 Grand View Avenue, 510 Moss Avenue, and 3025 Merrill Avenue, all in Clearwater, Florida 33759, into the corporate limits of the city and redefining the boundary lines of the city to include said addition.

Ordinance 9232-19 was presented and read by title only. Vice Mayor Cundiff moved to adopt Ordinance 9232-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.7** Adopt Ordinance 9233-19 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 addresses are 3041 Grand View Avenue, 510 Moss Avenue, and 3025 Merrill Avenue, all in Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Residential Low (RL).

Ordinance 9233-19 was presented and read by title only. Councilmember Hamilton moved to adopt Ordinance 9233-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

- 9.8** Adopt Ordinance 9234-19 on second reading, amending the Zoning Atlas of the city by zoning certain real property whose post office addresses are 3041 Grand View Avenue, 510 Moss Avenue, and 3025 Merrill Avenue, all in Clearwater, Florida 33759, upon annexation into the City of Clearwater, as Low Medium Density Residential (LMDR).

Ordinance 9234-19 was presented and read by title only. Councilmember Allbritton moved to adopt Ordinance 9234-19 on second and final reading. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretekos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

10. City Manager Reports

- 10.1** Ratify and Confirm an increase to Contract Number 900075 with Heath Consultants, Inc., in the amount of \$100,000, to provide natural gas line locating services and authorize the appropriate officials to execute same.

Heath Consultants, INC, is currently providing Natural Gas Distribution Main and Service Line Locating Services. This contract award was originally approved by the City Council in April 7, 2016, in the annual amount of \$400,000. On December 5, 2018, an increase of \$40,000 (10%) was requested and approved by Acting City Manager Jill Silverboard. This ratify and confirm request is to approve an increase of \$100,000 (23%), which was approved by the City Manager on February 14, 2019, for a revised annual amount of \$540,000. This increase was necessary to maintain continuity in the services from Heath Consultants.

The final annual term of Heath contract number 900075 is set to expire March 31, 2019. Per State Law CGS is obligated to locate our gas mains and service lines. When Sunshine One Call receives a call from an excavator that intends to excavate near our infrastructure we receive a ticket. During 2018 the number of tickets generated by Sunshine One Call jumped 8.5% and the number of projects we are required to monitor and locate upon request jumped 68.9%. This is due to the increased number of road construction projects and housing developments that are active in our service territory. For these reasons the additional \$100,000 was requested to continuing paying our contractor.

The new bid award for locating services is scheduled for consideration at the March 18, 2019 Council work session.

APPROPRIATION CODE AND AMOUNT:

Funds are budgeted and available in 4232066-530300 (\$70,000) - Pinellas Gas Maintenance and 4232173-530300 (\$30,000) - Pasco Gas Maintenance.

Vice Mayor Cundiff moved to ratify and confirm an increase to Contract Number 900075 with Heath Consultants, Inc., in the amount of \$100,000, to provide natural gas line locating services and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

- 10.2** Approve a Utility Work by Highway Contractor Agreement with the Florida Department of Transportation, in the amount of \$183,755, to remove natural gas mains along State Road 52, from the Suncoast Parkway to US Highway 41, and authorize the appropriate officials to execute same. (consent)

The Florida Department of Transportation (FDOT) has a project (FPN: 256323-1-52-02) to widen/improve State Road 52 (Schrader Highway) From West of Suncoast Parkway to East of US 41 including roadway, sidewalk, other

improvements, and utilities to include those existing Clearwater Gas facilities which conflict with the design.

Under the Utility Work by Highway Contractor Agreement (UWHCA), the State of Florida's Department of Transportation general contractor will perform the removal of existing natural gas mains. Having the State of Florida's Department of Transportation general contractor remove the natural gas mains allows for work to be done in a timely manner and releases Clearwater Gas System from penalty payments.

APPROPRIATION CODE AND AMOUNT:

Funding for this agreement is available in capital project 323-7323-96376 - Pasco New Mains and Service Lines.

Councilmember Hamilton moved to approve a Utility Work by Highway Contractor Agreement with the Florida Department of Transportation, in the amount of \$183,755, to remove natural gas mains along State Road 52, from the Suncoast Parkway to US Highway 41, and authorize the appropriate officials to execute same. The motion was duly seconded and carried unanimously.

Resolution 19-05 was presented and read by title only.

Councilmember Allbritton moved to adopt Resolution 19-05. The motion was duly seconded and upon roll call, the vote was:

Ayes: 5 - Mayor Cretkos, Councilmember Polglaze, Councilmember Hamilton, Vice Mayor Cundiff and Councilmember Allbritton

10.3 City Hall Demolition

The City Manager said since the city hall relocation, councilmembers have expressed an interest in discussing the demolition of the old city hall.

In response to questions, Assistant City Manager Micah Maxwell said the parking at the old city hall site will be needed. Staff is concerned with the timing to demolish the old city hall; the contractor demolishing the Harborview ceases on August 7 at which point the parking at Harborview can be reactivated, totaling 168 parking spaces in Downtown. An asbestos survey is needed before the city hall site can be demolished; Engineering is working with several contractors regarding the survey. He said the bid letting process should take approximately three months from the end of April, with the notice to proceed in August. Staff is concerned with losing access to the 135 parking spaces at city

hall if it is demolished prior to August 7. Mr. Maxwell said that would be approximately 303 parking spaces out of commission in Downtown until the Harborview parking is reactivated. If city hall is razed after the Harborview parking spaces are reactivated, there would be two months before the Jazz Holiday and Hispanic Heritage events. Staff is considering a park and ride option and will present options to Council in April. He said the razing of the parking spaces at the Harborview site will occur with the demolition associated with Imagine Clearwater.

Discussion ensued with comments made that movement on Imagine Clearwater must be maintained. A concern was expressed that the Imagine Clearwater plan called for the Civic Gateway to be built first and addressing the city hall site afterwards in an effort to get the public excited about the plan. It was suggested that a developer bear the cost of demolishing city hall.

In response to question, the City Attorney said the development of public lands west of Osceola Avenue must go to referendum.

A concern was expressed that the public will get used to an open vista if city hall is demolished before having a plan.

In response to questions, Mr. Maxwell said asbestos abatement at city hall will need to be completed at some point. The city hall property, to include the parking, will be handed over to the contractor once the notice to proceed is issued. The cost to demolish city hall should be less than the Harborview Center; staff has not received any estimates. Staff needs to figure out what is needed to raze city hall and determine how much of the site the contractor needs to stage equipment. Council's meeting with the consultant on April 1 will determine what will be done in the amphitheater space and finalize the Civic Gateway area. He said engineers are working on how a 2% sloping impacts the area. Staff will be able to discuss the redevelopment strategy of the Osceola corridor in April, which will include the timing of a referendum. The timeframe on an RFP for the city hall site depends on if it is released prior to the construction of the park or after construction has begun. The City Attorney said the City has never issued an RFP of this scope. This RFP would not be typical; it will require a lot of time and discussion for preparation. She believed it would take no less than six months to prepare the RFP because it will require the advice of several consultants; staff will not be preparing the RFP. Mr. Maxwell said staff has been looking at people mover options in Downtown before and after construction.

In response to a suggestion, Mr. Maxwell said before Council discusses public-private partnership funding options, Council needs to understand the pros and cons of all the decisions to be made that will be included in the RFP. A 4 to 6-week timeline is needed to discuss the elements needed in the RFP. Based on that discussion, additional work may be needed.

Mr. Maxwell said construction can be phased in after Council finalizes the amphitheater area in April based on the financials presented. The slope has been big the big hurdle as it relates to the out parcels, including the lake. He said staff will be ready to move forward if the 2% slope is acceptable. Based on Council's direction, Webb Management is moving forward with the financial feasibility study for an amphitheater venue with 3,000 seats and a versatile area with a retractable roof. The consultant told Council it was easier to go down from 3,000 than up. The City Manager said Council had an opportunity to provide the consultant with guidance; if Council does not like what the consultant recommends, Council can move in another direction. The consultant said 3,000 seats but wanted Council to think 10,000 in total. Mr. Maxwell said the engineers are working on the retractable roof piece; he will confirm that the engineers provide data on the fixed roof. The consultant's analysis will include 3,000 covered seats, uncovered seats and any applicable revenue stream. He said the consultant is looking at the type of facility the market is being driven towards, which is what he presented to Council, and determine if it will work.

11. City Attorney Reports – None.

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

Councilmember Hamilton said he wanted to reply to the citizen comment at the beginning of the meeting regarding an alleged conflict of interest on his vote to approve a development agreement with Decade Properties. The City Attorney said she wanted to see the information provided by the citizen before Mr. Hamilton responded publicly.

Councilmember Polglaze said he was happy about the behind the scenes work on the city hall site.

Councilmember Allbritton said the city hall site conversation was great and he has confidence that staff will bring questions to Council to vet. He said they need all the information to make a wise decision.

13. Closing Comments by Mayor

Mayor Cretekos reviewed recent and upcoming events.

14. Adjourn

The meeting adjourned at 8:14 p.m.

Attest

Mayor
City of Clearwater

City Clerk